to increase the tax on oleomargarine—to the Committee on Agriculture.

By Mr. CANNON: Papers to accompany House bill for the relief of Joseph Ramsey—to the Committee on Military Affairs.

By Mr. CARMACK: Petition of James L. Coleman, of Chambers County, Ala., relating to his claim—to the Committee on War Claims.

By Mr. COOPER of Wisconsin: Petition of druggists and citizens of Racine, Wis., for the repeal of the stamp tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. CRAWFORD: Petition of Letter Carriers' Association of Asheville, N. C., praying for an increase of salary of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. DOLLIVER: Petition of substitute letter carriers of Des Moines, Iowa, in favor of House bill No. 1051, relating to grading of substitute letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. GARDNER of New Jersey: Petitions of citizens of Asbury Park and State of New Jersey and surfmen of the Life-Saving Service, for legislation to increase the terms of service and pay of the Life-Saving Service along the Atlantic coast and Great Lakes—to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM: Petition of Green McCurtain, chief of the Choctaw Nation, and D. H. Johnston, governor of the Chickasaw Nation, Indian Territory, in opposition to the passage of House bill No. 9995, as affecting the treaty with the Choctaw and Chickasaw Indians—to the Committee on Indian Affairs.

By Mr. HAMILTON: Petition of Thomas Maning Post, No. 57, Department of Michigan, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. HAY: Paper relating to the claim of Wesley Rankins—to the Committee on War Claims.

By Mr. HOFFECKER: Petition of members of Capital Grange, No. 18, Patrons of Husbandry, State of Delaware, for State control of imitation dairy products as provided in House bill No. 3717—to the Committee on Ways and Means.

By Mr. KAHN: Petition of the Board of Trade of Oakland, Cal., favoring the passage of House bill No. 10374, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. MILLER: Petition of the teachers and students of the Kansas State Normal School, favoring the passage of House bill No. 5457, known as the Spalding bill—to the Committee on Military Affairs.

By Mr. PAYNE: Paper to accompany House bill No. 10987, for the relief of F. H. Driscoll—to the Committee on Claims.

By Mr. PEARRE: Affidavit of Hon. William T. Malster to accompany House bill No. 9328, in relation to a certain claim—to the Committee on Claims.

By Mr. SCUDDER: Petitions of H. A. Barnum Post, No. 656, and George Huntman Post, No. 50, Department of New York, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. SHERMAN: Resolution of Conference of the Evangelical Association of New York, relating to divorce laws, etc.—to the Committee on the Judiciary.

By Mr. SHOWALTER: Petitions of the Methodist Episcopal churches of Sheakleyville, Greenville, and Jamestown, Pa., and United Presbyterian Church of Sharon, Pa., for the passage of a bill to forbid liquor selling in canteens and in the Army, Navy, and Soldiers' Homes—to the Committee on Military Affairs.

By Mr. SMITH of Kentucky (by request): Petition of Downey Post, No. 122, Department of Kentucky, Grand Army of the Republic, in favor of a bill locating a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. STARK: Papers to accompany House bill No. 8241, to increase the pension of James W. Black, of Belvidere, Nebr.—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 8945, increasing the pension of William G. Winslow, of Friend, Nebr.—to the Committee on Invalid Pensions.

By Mr. WEAVER: Petition of Darby Grange, No. 779, of West Jefferson, Ohio, Patrons of Husbandry, in support of House bill No. 3717, to control the sale of imitation dairy products; also in favor of Senate bill No. 1439, to vest additional authority in the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG: Petition of the National Association of Railway Postal Clerks, for the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Philadelphia Board of Trade, favoring the enactment of House bill No. 10035, to amend the postal laws relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

SENATE.

THURSDAY, *April 26, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. ALLEN, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

VESSEL SLOOP BETSEY.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law, filed under the act of January 20, 1885, in the French spoliation claims, set out in the annexed findings by the court, relating to the vessel sloop *Betsey*, Benjamin Rhodes, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

MILITARY OFFICERS IN CUBA AND PORTO RICO.

Mr. BACON. Yesterday there came to the Senate a reply from the Secretary of War in response to the inquiry of the Senate as to payments made to certain officers of the United States. It was read at length at the desk, and I supposed from that fact it would be printed in the RECORD, and therefore made no request to that effect. I am informed, however, that under such circumstances an executive communication is not printed in full in the RECORD without a request, and I now make the request that that reply may appear in the RECORD.

The PRESIDENT pro tempore. The Senator from Georgia asks unanimous consent that the communication from the Secretary of War touching the pay of certain officers in Cuba and Porto Rico be printed at length in the RECORD.

Mr. COCKRELL. And as a document.

Mr. BACON. It has already been ordered printed as a document.

Mr. COCKRELL. All right, then.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

EXTRA COMPENSATION PAID TO ARMY OFFICERS IN CUBA AND PORTO RICO.

WAR DEPARTMENT, *Washington, April 25, 1900.*

To the Senate of the United States:

I have the honor to reply to the following resolution, dated April 21, 1900, received April 23:

"*Resolved*, That the Secretary of War is hereby directed to report to the Senate the following information:

"First. Whether any officer of the Army of the United States who is now, or who has been, on duty either in Cuba or Porto Rico since the date of the declaration of war by the United States against Spain has received any compensation for any service of any kind whatsoever other than the compensation to which such officer of the Army is, as such, entitled by law to receive as his salary and allowances.

"Second. If any officer of the United States Army has, during said period, while on duty in either Cuba or Porto Rico, received from any source any compensation other than that which he is, as such officer, entitled by law to receive as his salary and allowances; what is the name and rank of each such officer, and what the amount or amounts received by him; the date or dates on which each said amounts was so received; on what account the said amount or amounts were paid; by whom said payment or payments were authorized, and out of what fund or funds said payments were made."

Pursuant to the orders of the Secretary of War, dated respectively March 1, 1899, April 19, 1899, and May 9, 1899, copies of which are annexed hereto, allowances have been paid to four officers of the Army who have been required to live in the city of Habana and to perform important civil functions in connection with the administration of the government of Cuba, as follows:

To the military governor of Cuba, at the rate of $7,500 per year.

To the military governor of Habana, at the rate of $5,000 per year.

To the collector of customs for the island of Cuba, at the rate of $1,800 per year.

To the treasurer of the island of Cuba, at the rate of $1,800 per year.

These payments were in addition to the salary and allowances which the said officers were entitled as such to receive out of the Treasury of the United States. I am not aware of any other payments of the character described in the resolution to any officers in Cuba. I annex hereto a report received some months since from the Headquarters, Division of Cuba, showing that none other have been made. The payments have been made monthly from the dates stated in said orders until the present time. The precise dates of payment will appear in an itemized statement of receipts and expenditures now in course of preparation under a previous resolution of the Senate. Payments to the military governor of Habana will cease with the termination of that office on the 1st day of May, 1900. The names and ranks of the officers receiving the payments were, as military governor of Cuba, Maj. Gen. John R. Brooke, until the 13th day of December, 1899, and Maj. Gen. Leonard Wood, U. S. V., since that time; as military governor of Habana, Brig. Gen. William Ludlow; as collector of customs for Cuba, Maj. Tasker H. Bliss; as treasurer of the island of Cuba, Maj. E. F. Ladd, U. S. V.

No allowances have been made to any officer in Porto Rico other than the statutory salary and allowances out of the Treasury of the United States.

The payments specified were made out of the revenues of the island of Cuba, on account of government thereof, and they were made on that account for the reason that it was impossible for the said officers to properly perform the necessary duties pertaining to their positions without the expenditure of the full amount of such allowances in addition to their statutory salaries and allowances out of the Treasury of the United States.

The aggregate of the payments thus made prior to the 1st day of the present month was $17,441.66. The total receipts of the island of Cuba collected by these officers during the period covered by the aforesaid expenditure therefrom amounted to $21,036,572.76, and the total disbursements under their direction amounted to $19,280,512.21.

Similar allowances to officers of the Army performing civil functions in Mexico and California were approved by Congress by the act of March 3, 1849, and the act of February 3, 1853. (A copy of the second section of the said first-mentioned act is annexed hereto.)

The said payments were authorized by the President of the United States upon the oral advice of the Attorney-General that the same were in all respects lawful.

Very respectfully, ELIHU ROOT, *Secretary of War.*

HEADQUARTERS DIVISION OF CUBA,
Habana, January 23, 1900.

SIR: I have the honor to acknowledge receipt of your telegraphic instructions of the 19th instant, and in reply thereto to report that the records of the office of the treasurer of island of Cuba show the following as the only allowances from insular funds made to the officers of the United States Army in the island of Cuba since the beginning of the military occupation.

These allowances are now in force:

	Year.
Military governor of Cuba, beginning January 1, 1899 (error for March 1, 1899)	$7,500
Military governor of Habana, beginning January 1, 1899 (error for March 1, 1899)	5,000
Collector of customs for Cuba, beginning January 1, 1899	1,800
Treasurer of the island of Cuba, beginning May 1, 1899	1,800

Very respectfully,

W. V. RICHARDS,
Assistant Adjutant-General.
(For and in the absence of the division commander.)

The ADJUTANT-GENERAL OF THE ARMY,
Washington, D. C.

WAR DEPARTMENT, *Washington, March 1, 1899.*

Whereas the commanding generals of the Division of Cuba and the Department of Habana and the collector of customs for the island of Cuba and the port of Habana are, respectively, performing, in addition to their ordinary military duties, civil functions in connection with the administration of the government of Cuba which require outlays and expenses to maintain the proper dignity of their respective positions in excess of the amount of salary which they receive as officers of the United States Army:

Ordered, That for his services as military governor of the island of Cuba, the commanding general, Division of Cuba, shall receive an annual salary, out of the revenues of the island, at the rate of $7,500 a year; that the commanding general, Department of Habana, for his services as military governor of Habana, shall receive, out of the revenues of the island, an annual salary at the rate of $5,000; that the collector of customs for the island of Cuba, as collector of the port of Habana, shall receive, out of the customs revenues at Habana, an annual salary at the rate of $3,500 (revoked by order of April 19, 1899), these to be in addition to their regular salaries as officers of the United States Army, the allowances to begin March 1, 1899, and to be paid monthly, and evidenced by duly executed vouchers.

R. A. ALGER, *Secretary of War.*

WAR DEPARTMENT, *Washington, April 19, 1899.*

ORDERS.

Whereas the collector of customs for the island of Cuba and port of Habana is performing, in addition to his ordinary military duties, civil functions in connection with the administration of the government of Cuba which require outlays and expenses to maintain the proper dignity of his position in excess of the amount of salary which he receives as an officer of the United States Army:

Ordered, That for the payment of the necessary expenses incurred, and to be incurred, incident to his representative capacity, said collector of customs for the island of Cuba and port of Habana shall receive, out of the customs revenues at Habana, an allowance at the rate of $1,800 per annum, beginning with January 1, 1899, and to be evidenced by duly executed vouchers. So much of War Department order dated March 1, 1899, on the same subject as relates to the collector of customs is revoked.

G. D. MEIKLEJOHN,
Assistant Secretary of War.

WAR DEPARTMENT, *Washington, May 9, 1899.*

ORDERS.

Whereas the treasurer of Cuba is performing, in addition to his ordinary military duties, civil functions in connection with the administration of the government of Cuba which require outlays and expenses to maintain the proper dignity of his position in excess of the amount of salary which he receives as an officer of the United States Army:

Ordered, That for the payment of the necessary expenses incurred, and to be incurred, incident to his representative capacity, said treasurer of Cuba shall receive, out of the revenues at Habana, an allowance at the rate of $1,800 per annum, beginning with May 1, 1899, and to be evidenced by duly executed vouchers.

G. D. MEIKLEJOHN,
Assistant Secretary of War.

[Section 2 of an act to provide for the settlement of the accounts of public officers and others who may have received moneys arising from military contributions or otherwise in Mexico. (Approved March 3, 1849. Stat. L., volume 9, page 413.)]

SEC. 2. *And be it further enacted*, That where an officer has had the supervision of the collection of the military contributions at any of the ports in Mexico, and has at the same time exercised civil functions under the temporary government there established, or where an officer or other person shall have performed the duties of collectors at such ports, such officer or person shall be allowed a compensation which shall be assimilated in amount as nearly as may be, including the regular pay and emoluments of such officer, to that allowed by existing laws to officers of the customs in the United States where the services are similar in amount and importance; such allowance, in all cases, to be determined by the President of the United States. And all officers of the Army and other persons in public employment who have received payment for their services in collecting, keeping, or accounting for said moneys, and for other necessary services, are authorized to retain so much of the amounts so received as in the opinion of the President of the United States may be a fair compensation for said services.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a memorial of Local Union No. 103, Painters and Decorators, of Flushing, N. Y., remonstrating against the enactment of legislation imposing a tax on oleomargarine, butterine, and all other kindred dairy products; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Musicians' Protective Association, American Federation of Musicians, of Dunkirk and Fredonia, N. Y., praying that the United States Marine Band be not allowed to take away the means of livelihood of civilian bands by the refusal of leaves of absence for the purpose of participation in public events, expositions, etc.; which was referred to the Committee on Naval Affairs.

He also presented a petition of the Central Labor Union, American Federation of Labor, of Binghamton, N. Y., praying for the enactment of legislation increasing the salaries of machinists employed at the Government Printing Office; which was referred to the Committee on Printing.

He also presented the petition of T. R. Eddy, of Moira, N. Y., and the petition of E. E. Cummings, of New Woodstock, N. Y., praying for the enactment of legislation to increase the salaries of fourth-class postmasters; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of A. Schroeder, of New York City, praying for the enactment of legislation to increase and equalize the salaries of letter carriers, etc.; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. KENNEY presented a petition of the Woman's Christian Temperance Union of Sussex County, Del., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Alaska, Hawaii, Porto Rico, Cuba, and the Philippines; which was ordered to lie on the table.

Mr. CULLOM presented a memorial of Watch Workers' Union No. 6961, American Federation of Labor, of Elgin, Ill., remonstrating against the cession of the public lands to corporations or individuals; which was referred to the Committee on Public Lands.

He also presented a petition of Alfred King Post, Department of Illinois, Grand Army of the Republic, of Andalusia, Ill., praying for the enactment of legislation granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor; which was referred to the Committee on Pensions.

Mr. MCMILLAN presented a petition of the Central Labor Council of Traverse City, Mich., praying for the enactment of legislation authorizing the building of war vessels in the Government navy-yards; which was referred to the Committee on Naval Affairs.

He also presented a memorial of the Central Labor Council and Cigar Makers' Union, of Traverse City, Mich., remonstrating against the enactment of legislation to increase the revenue tax on oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Central Labor Council and Cigar Makers' Union, of Traverse City, Mich., remonstrating against the cession of the public lands to corporations or individuals; which was referred to the Committee on Public Lands.

Mr. FORAKER presented a petition of Griggs Grange, No. 1467, Patrons of Husbandry, of Ohio, praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Griggs Grange, No. 1467, Patrons of Husbandry, of Ohio, praying for the enactment of legislation to secure the advantages of State control of imitation dairy products; which was referred to the Committee on Agriculture and Forestry.

Mr. QUARLES presented a memorial of sundry musicians of Racine, Wis., remonstrating against allowing the Marine Band to compete with civilian musicians; which was referred to the Committee on Naval Affairs.

He also presented a memorial of the Union Veterans' Union, Order of Union Battle-Men, remonstrating against the promotion of Brigadier-General Corbin; which was referred to the Committee on Military Affairs.

Mr. FRYE presented a petition of the American Oriental Society, praying for the extension of the work of the Bureau of American Ethnology to the Philippine Islands; which was referred to the Committee on the Philippines.

He also presented a memorial of the Republican convention of New Mexico, remonstrating against the enactment of legislation disapproving the act of the legislative assembly of New Mexico entitled "An act to create McKinley County;" which was referred to the Committee on Territories.

He also presented a petition of the American Chemical Society, praying for the establishment of a national standards bureau; which was referred to the Committee on Mines and Mining.

AMENDMENT OF CHEROKEE TREATY.

Mr. COCKRELL. I present a letter in the nature of a petition addressed to me by Isaac Mode, of Vinita, Ind. T., praying that the Cherokee treaty be amended. I move that the petition be printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to.

TAXES IN INDIAN TERRITORY.

Mr. COCKRELL. I present a letter, in the nature of a memorial, addressed to me by Green McCurtain, principal chief of the Choctaw Nation, and D. H. Johnston, governor of the Chickasaw Nation, remonstrating against the passage of House bill 9995, levying certain taxes for the education of children residing in the Indian Territory, and for other purposes. I move that the memorial be printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. CLAY, from the Committee on Commerce, to whom was referred the bill (S. 4291) to constitute Durham, N. C., a port of delivery in the customs collection district of Pamlico, and to extend the privileges of the seventh section of the act of Congress approved June 10, 1880, to said port, reported it without amendment.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (H. R. 7945) to amend an act entitled "An act permitting the building of a dam across Rainy Lake River," reported it without amendment.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 1009) for the relief of the New York, New Haven and Hartford Railroad Company, reported it without amendment, and submitted a report thereon.

Mr. CHANDLER, from the Committee on Interstate Commerce, to whom was referred the bill (S. 338) to prohibit the giving of free railroad passes contrary to provisions of section 22 of the act to regulate commerce, reported it without amendment.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (S. 2928) for the establishment, control, operation, and maintenance of the Northern Branch of the National Home for Disabled Volunteer Soldiers at Hot Springs, in the State of South Dakota, reported it without amendment, and submitted a report thereon.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 4226) to amend an act entitled "An act to authorize the construction of a bridge across the Yellowstone River, in the county of Dawson, State of Montana, reported it with amendments.

Mr. CULLOM. I am directed by a simple majority of the Committee on Interstate Commerce, to whom was referred the bill (S. 1439) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, to report it adversely. I ask that it may be placed upon the Calendar for consideration hereafter. I desire to state that while I make this report adversely, I am in favor of the bill.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

THE SMITHSONIAN INSTITUTION.

Mr. PLATT of New York, from the Committee on Printing, reported the following concurrent resolution; which was considered by unanimous consent, and agreed to.

Resolved by the Senate (the House of Representatives concurring), That there be printed of The Smithsonian Institution: Documents Relative to its Origin and History 7,000 copies, of which 2,000 copies shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 2,000 copies for the use of the Smithsonian Institution.

NEW YORK PRINTING EXPOSITION.

Mr. PLATT of New York. I move to reconsider the votes by which the joint resolution (S. R. 113) authorizing the exhibit of Government relics at the New York Printing Exposition from May 2 to June 2, 1900, was ordered to a third reading and passed by the Senate yesterday. I find that the item had previously passed both Houses in an appropriation bill.

The motion to reconsider was agreed to.

Mr. PLATT of New York. I move that the joint resolution be postponed indefinitely.

The motion was agreed to.

BALTIMORE AND POTOMAC RAILROAD.

Mr. McMILLAN. I am directed by the Committee on the District of Columbia to ask for a reprint, with the amendments of the committee, of the bill (S. 1929) to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein.

The PRESIDENT pro tempore. The Senator from Michigan asks that the bill shall be reprinted with the amendments. Without objection, it is so ordered.

BILLS INTRODUCED.

Mr. DAVIS introduced a bill (S. 4440) granting an increase of pension to Charles Stewart; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4441) granting a pension to Gertrude B. Wilkinson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PETTUS introduced a bill (S. 4442) granting a pension to Walker L. Willmore; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McENERY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims.

A bill (S. 4443) for the relief of Samuel G. Laycock;

A bill (S. 4444) for the relief of Elizabeth A. Pendleton;

A bill (S. 4445) for the relief of Alphonse Desmarc; and

A bill (S. 4446) for the relief of the estate of Mrs. R. A. Kenner.

Mr. McMILLAN introduced a bill (S. 4447) to regulate electrical wiring in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. FOSTER introduced a bill (S. 4448) to provide an American register for the ships *Star of Italy* and the *Star of Bengal;* which was read twice by its title, and referred to the Committee on Commerce.

Mr. BURROWS introduced a bill (S. 4449) to reward distinguished service in the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SPOONER introduced a bill (S. 4450) to provide for the holding of a term of the circuit and district courts of the United States at Superior, Wis.; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 4451) granting an honorable discharge to William S. Dunn; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. FORAKER introduced a bill (S. 4452) relating to the library of the United States circuit court of appeals for the Sixth circuit; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. PETTIGREW introduced a bill (S. 4453) to remove the charge of desertion from L. L. Flory; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. MARTIN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4454) for the relief of the First Baptist Church, Suffolk, Va.;

A bill (S. 4455) for the relief of Makemie Presbyterian Church;

A bill (S. 4456) for the relief of Bethlehem Church;

A bill (S. 4457) for the relief of Lewinsville Presbyterian Church; and

A bill (S. 4458) for the relief of St. James Episcopal Church, Accomac, Va.

Mr. DANIEL introduced a bill (S. 4459) removing the charge of desertion against the name of Mitchell Hughes; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4460) for the relief of William Lee; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 4461) for the relief of the heirs of Edward A. Wyatt; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

GOVERNMENT OF CUBA.

Mr. MASON. I introduce a joint resolution, and ask that it be read at length and referred to the Committee on Relations with Cuba.

The joint resolution (S. R. 119) requesting the President of the United States to turn over the civil and military governments in Cuba to the people thereof on the 4th of July, 1900, was read the first time by its title and the second time at length, and referred to the Committee on Relations with Cuba, as follows:

Whereas the United States of America, when entering upon war with Spain, for humane reasons, declared, by act of Congress, as follows:

"Fourth. That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people," approved April 20, 1898; and

Whereas the United States has been in possession of Cuba since the signing of the protocol between Spain and the United States on the — day of ——, and since the treaty of peace in Paris on the — day of ——, the United States

has been under treaty agreement to give absolute independence to the people of the island of Cuba; and

Whereas the continuance of the United States in possession of the said island and possession of the government thereof has excited the attention of the world, and is exciting the apprehension of the people of Cuba, many of them not hesitating to state that we are attempting to procure possession, ownership, and government of said island by diplomacy and fraud; and

Whereas the people of the United States and said island should both have free and untrammeled opportunity to express themselves as to what, if any, should be our mutual relations in the future; and

Whereas under the Monroe doctrine the said island is safe from foreign invasion; and

Whereas the Cubans have shown a disposition to make their best effort to govern themselves, and can undoubtedly do so without endangering life and property; and

Whereas the Government of the United States has done all that could be expected of it in keeping of its promise for the independence of Cuba, and the people of the United States do not desire to hinder or delay self-government, and which can only come to that brave people by actual experience: Therefore, be it

Resolved by the Senate of the United States (the House concurring therein), That the President of the United States be, and is hereby, requested to withdraw the forces of the United States as rapidly as may be done with convenience and safety, and that on the 4th day of July, in this year of our Lord 1900, all civil and military power of the United States of America be turned over and surrendered to the people of the island of Cuba.

AMENDMENTS TO NAVAL APPROPRIATION BILL.

Mr. MARTIN submitted an amendment proposing to increase the salaries of electricians in charge of plants at the New York, Mare Island, Norfolk, and Washington navy-yards from $1,200 to $2,400, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. DANIEL submitted an amendment proposing to appropriate $2,000 for one agent to be selected by the Secretary of the Navy from the officers of the late confederate navy by reason of his personal experience and special aptitude, in connection with the work of collecting and compiling the Naval Records, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. TILLMAN submitted an amendment proposing to appropriate $1,200 for one clerk at the Naval station, Port Royal, S. C., intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

TRADE RELATIONS WITH FRANCE AND ALGERIA.

Mr. PERKINS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury is hereby directed to communicate to the Senate, at the earliest practicable day, a statement showing the imports, by months, to the latest date obtainable, from France and Algeria under the provisions of the reciprocal commercial agreement which went into effect June 1, 1898, such statement to show the quantities and values wherever practicable and the duties paid on each article imported.

CHIPPEWA INDIAN INVESTIGATION.

Mr. JONES of Arkansas submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Indian Affairs, or any subcommittee thereof appointed by its chairman, is hereby instructed to inquire into the present condition of the Chippewa Indians in the State of Minnesota, and the legislation required and appropriate to meet the needs and welfare of such Indians, and especially the rights of the Indians and white settlers dwelling on the Mille Lac Indian Reservation; and also the present system of examining timber on the Chippewa and ceded diminished reservations, in the State of Minnesota, and the sale thereof; and to visit the reservations of said Indians in the State of Minnesota, to employ a stenographer, to examine witnesses under oath, and to send for persons and papers; and to report the result of such inquiry, with recommendations for legislation; the actual expenses of such inquiry, including necessary assistance, to be paid on vouchers approved by the chairman of said committee out of the contingent fund of the Senate.

ORDER OF BUSINESS.

Mr. CARTER. I ask unanimous consent that the Senate proceed to the consideration of Senate bill 3419, known as the Alaska bill.

Mr. PETTUS. Mr. President——

Mr. ALLEN. I should like to ask the Senator from Montana to suspend a moment until I can call up a little bill that will not lead to any discussion.

Mr. CARTER. Let my request be granted and I will, with pleasure, yield.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

Mr. PETTUS. I desire to inquire in what condition the resolution is in reference to the Senator from West Virginia. I happened to be out of the Chamber at the time it was taken up yesterday.

The PRESIDENT pro tempore. It was understood that that resolution should be taken up this morning whenever the Senator from Alabama was prepared to proceed.

Mr. PETTUS. Well, sir, I am prepared now.

Mr. CARTER. Then I withdraw my request.

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Nebraska?

Mr. PETTUS. I do not know what the business is. Is it for any formal business?

Mr. ALLEN. It is simply to call up a small bill, that is all. I will not insist on it.

Mr. PETTUS. Very well; I yield.

OLIVER H. PERRY.

Mr. ALLEN. I ask for the present consideration of the bill (S. 2974) for the relief of Oliver H. Perry, administrator of the estate of Mary Scott, deceased.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It refers to the Court of Claims the claim of Oliver H. Perry, administrator of the estate of Mary Scott, deceased, for a finding of facts under the act of March 3, 1887, commonly known as the Tucker Act—first, as to the loyalty of the claimant; second, the value of the property taken by the United States Army, and third, the amount paid and the balance due claimant.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RIGHT OF SUFFRAGE IN NORTH CAROLINA.

Mr. PRITCHARD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from North Carolina?

Mr. PETTUS. I think I had better proceed, as this is the regular order.

Mr. PRITCHARD. I simply want to have a resolution referred which is on the Calendar.

Mr. PETTUS. If it is merely formal business, I certainly yield.

Mr. PRITCHARD. I desire to call up Senate resolution No. 68, declaring certain proposed amendments to the constitution of North Carolina in contravention of the fourteenth and fifteenth amendments to the Constitution of the United States, with a view of having it referred to the Committee on Privileges and Elections.

The PRESIDENT pro tempore. The resolution will be so referred.

SENATOR FROM WEST VIRGINIA.

The Senate resumed the consideration of the following resolution, reported by Mr. MCCOMAS from the Committee on Privileges and Elections March 12, 1900:

Resolved, That NATHAN B. SCOTT has been duly elected a Senator from the State of West Virginia for the term of six years commencing on the 4th day of March, 1899, and that he is entitled to his seat in the Senate as such Senator.

Mr. PETTUS. Mr. President, if the Senator from New Hampshire [Mr. CHANDLER] has correctly stated that Senators voted against seating Mr. Mantle because he was a Silver Republican, and that Senators voted against seating Mr. Corbett, by way of retaliation, because he was a Gold Republican, then this Senate is in a sad condition of mind to act as judges, in any case. I can not believe these hard words of the Senator from New Hampshire against other Senators. If Senators vote in great cases, like the Mantle and the Corbett cases, on the grounds stated—well, they are unfit for judges, and unworthy to be in this body.

I desire in this case to speak only to Senators who can and who will decide the cause according to their best judgment, and not on a mere whim or personal caprice.

And, Mr. President, I claim that it has been my habit in discussing law questions to deal fairly with my own mind and to assert no proposition of law which I do not believe to be true. I do this as a matter of policy if for no better reason. For the man who is in the habit of advocating false propositions of law will so debauch his own mind, no matter what may be his learning or brain power, that he can not see the truth, though he meet it at noon in the public road. He makes "such a sinner" of his intellect "as to credit his own lie."

The question now submitted for your judgment is whether, according to the law of the land, the Hon. N. B. SCOTT is entitled to a seat as a Senator from West Virginia. The Committee on Privileges and Elections have given their report to the effect that he was so entitled. But that report is now to undergo the scrutiny of the Senate.

The learned and accurate lawyer who made the report and has ably presented the argument to sustain it has discussed two questions not now in issue, because they were unanimously decided by the committee in his favor and were abandoned by the parties contesting. The first was the objection that Senator SCOTT was not an inhabitant of West Virginia; and the second was that 48 votes were not a majority of the entire legislature. Neither of these objections was well founded in law, and nothing will be said by me as to either of them.

The Senator in charge of the report in this case is a learned and careful lawyer, of large experience and most gracious manner; and it is a real pleasure to hear him argue a law case, for he has clear perceptions and an evident intention to deal fairly.

But in his opening he took me to task for commenting on certain depositions, which the committee had refused to receive as evidence. In so calling me to account, the Senator failed to remember that in his report he had quoted from one of the very same rejected depositions an entire answer of Mr. John W. Davis, and based much of his argument on that deposition alone.

Now, while it is plain that the Senator from Maryland has no right to use the rejected depositions to prove his propositions, because he, with a majority, rejected the depositions, I have a right to use these depositions, not to prove the facts therein stated, but to prove that the committee ought to have allowed witnesses to be examined, but refused to do so, and to prove that this case has not been fully or fairly investigated. These depositions were taken according to the rules governing the taking of depositions in the United States courts where there are parties to a suit—that is, notice was served on Mr. SCOTT that certain named witnesses would be examined at a certain time and place before a certain officer.

But Mr. SCOTT did not attend. So the committee rejected the depositions, not for want of notice, but on the ground that the depositions were not taken under the authority of the Senate or its committee. Then the contestants asked to have the same witnesses examined before the committee, and that was refused. Then the contestants asked to be allowed to retake the depositions, and that was refused. So contestants were denied the privilege of producing any testimony except that which the counsel of Mr. SCOTT consented to admit.

And now, Senators, one of the questions you are to decide is whether this great cause ought not to be fully and fairly investigated on all such legal evidence as may be offered by either side. That it has not been so investigated as yet will be made manifest.

Surely for that purpose I have a right to speak of these depositions. I do not pretend that I have a right to use them to establish the facts stated in the depositions, but I have a right to use them to show to the Senate that this cause has never been fully or fairly investigated.

Mr. President, I took pains to write that much of what I had to say because I wanted to limit every word I said to the exact truth, and I did not want to make a mistake about it.

Now, Mr. President, let us examine this case first on the little evidence which has been allowed to be put in the cause. You ought to know, Senators, that this case does not come before you in an ordinary way. It does not come before you on the application of a man who claims to have been elected to this seat. It comes before you on the protest of a majority of the members of the legislature of the State of West Virginia. It comes before you on the protest of the majority of those who were members when this election was declared to have taken place.

So it is not one man seeking an office which another man holds; it is a State protesting against the wrong that has been done to it by this election. I beg all Senators to come up to the dignity of the question and decide this cause as judges, not because one man was a Gold Republican and the other man was a Silver Republican.

The facts from the evidence as received by the committee are as follows: On the 11th of January, 1899, the legislature of West Virginia assembled. Each house was organized. In the senate the Republicans had about two-thirds of the members, but two Republicans would not vote for Mr. SCOTT.

Mr. MCCOMAS. Will the Senator from Alabama allow me to interrupt him a moment?

Mr. PETTUS. Yes, sir.

Mr. MCCOMAS. The Senator from Alabama, I think, will find that he is in error in saying that two members of the senate would not vote for Mr. SCOTT. Every member of the senate who was a Republican voted for Mr. SCOTT. The journal shows it. I think that is an error of printing, perhaps, in the views of the Senator.

Mr. PETTUS. Who was Mr. Haptonstall?

Mr. MCCOMAS. A member of the house, a delegate from Fayette County.

Mr. PETTUS. I only said that there were two Republicans. I did not say two senators.

Mr. MCCOMAS. I thought you said two members of the senate.

Mr. PETTUS. No, sir; I said there were two Republicans who would not vote for Mr. SCOTT.

Mr. MCCOMAS. Well, on that matter I think the Senator will agree with me he is in error in the end.

Mr. PETTUS. It is possible that I am, because, now I recollect it, there is a man named Whitaker, who it was said voted for somebody else, but when I came to look for his name, now that I remember it, I could not find it.

Mr. MCCOMAS. If the Senator will allow me, Whitaker and Ashby—Whitaker, a senator, and Ashby, a member of the house—were absent on the first day of voting separately in the houses, and they were two Republicans. That gave Mr. SCOTT on the first day 46 votes and Mr. McGraw 46 votes. But on the next day, Whitaker and Ashby appeared, the one in the senate and the other in the house, and voted for Mr. SCOTT, giving 48 votes for SCOTT to 46 for McGraw and 1 for Goff. I know the Senator desires to be accurate in his statement.

Mr. PETTUS. Why, certainly I do, and I know the Senator from Maryland is a fair man, and he wants to deal fairly with all subjects. But it is absolutely immaterial in the cause and as to whether they were Democrats or Republicans. This man Haptonstall is one of the protestants here on this paper. It is immaterial who it was who voted or did not vote, so far as that is concerned; the question is as to their right to vote. But I thank the Senator for having corrected this inadvertence on my part.

The house of delegates was Democratic by a small majority. I beg Senators' attention to this part of the statement. In the senate objection was made to H. C. Getzendanner and E. G. Pierson being admitted to seats as senators on the ground that each of them after election in November, 1896, and after serving as senators in 1897, had accepted commissions as officers in the United States Army, an office of profit, and served as such officers, one as captain and the other as lieutenant.

At first these objections were laid on the table and the two persons objected to took their seats. Afterwards the matter was referred to the committee on privileges and elections, and the committee in substance found the facts as stated in the objection. But the committee found that each one of these Army officers had been discharged before the legislature met in January. Therefore the committee reported that Getzendanner and Pierson were still members, and this report was adopted by a party vote on the 24th day of January, 1899. This decision was made on a demand for the previous question and without debate.

It is proper to state here that the 24th day of January, the day on which this vote was taken, was the day on which each of the houses was to vote separately for Senator.

Now, it is insisted that this is no disqualification, or, if it is, that the senate of the State of West Virginia was a proper judge of the election and qualification of its own members.

Now, that, as a general rule, is a correct proposition. Furthermore, it is a general rule that when the senate of a State decides on the election or qualification of its own members this body does not ordinarily inquire into it—not at all in ordinary cases. There comes up a contest, facts are heard, the matter is decided, and this body has time and again said that they will let it remain where it was decided.

But that is not this case. Here two Senators regularly elected appeared and offered to take their seats. It was objected that those two Senators had resigned their seats by accepting office under the United States and that they could not be properly received in that body.

Now, Mr. President, I do not dispute the proposition of law as asserted by the Senator from Maryland, that that is the general rule where you decide on the election and qualification of members, but in all cases in the law courts fraud vitiates every business transaction, if it is sufficiently brought to the attention of the court and in proper form. So fraud in this very matter we are considering vitiates every such proceeding. This body has so declared, and the courts have so declared, and the Senator from Maryland has so declared in this very report itself. To be sure, he did not seem to see exactly how it fit. I desire to read a paragraph from the report of the Senator from Maryland. I call it his report. It is the report of the committee, but it was prepared by him. Here is what the Senator himself says:

> A majority of the committee do not mean to decide that the Senate could not refuse a seat to a claimant who is elected by a legislature which is itself directly and plainly the result of force or fraud. If, on the eve of a joint assembly, a majority in either house should cease to be judges of the elections and qualifications of members of the minority and become revolutionary conspirators; if, for instance, a majority should imprison enough minority members on the day of the joint convention to reverse the majority therein, we do not assert that the Senate should not inquire into such violence, force, and intimidation or that it could not declare that there was a joint convention in form only, but not in fact, and that there was no election therefore. In the past—

Just listen, Senators—

> In the past the Senate has investigated fraud and corruption in elections where the proceedings were regular and the form was lawful, and then declared there had been no election.

Now, Mr. President, in that connection I beg to read another paragraph from another report of this same committee. I believe it is good law. The committee says it is and it cites many authorities. This is the writing of the distinguished Senator from New Hampshire:

> It is clear that if by bribery or corrupt practices on the part of the friends of a candidate who are conducting his canvass votes are obtained for him without which he would not have had a majority his election should be annulled, although proof is lacking that he knew of the bribery or corrupt practices.—*Pomeroy's Case, Taft Election Cases*, 330.

A number of authorities are cited to prove the proposition, and it is proved. Well, are you going to put a bridle on this Senate so as to prevent them from looking into all sorts of fraud and

corruption in the election of one of your body? If you are going to do that, you had as well abandon business and give it over to fraudulent men, and men who can buy what they want.

Mr. President, on this subject that I am at present considering—that is to say, whether those two senators had a right to seats in that body—it does not depend upon any statute law; it does not depend upon any constitutional law. It has been the law of England from the very foundation of the common law to the present day. It is now and always has been the law in the United States and of every one of the States where the common law prevails.

Mr. ALLEN. I should like to ask the Senator a question, with his permission.

Mr. PETTUS. Certainly.

Mr. ALLEN. Who denies that the right of the Senate to determine the election and qualifications of any one of its own members carries with it as an inseparable incident the right to review the proceedings of the legislature or body sending that man here?

Mr. PETTUS. It is denied in this report that we have the right to investigate this case.

Mr. ALLEN. Is it denied on any authority? I am speaking now entirely without reference to this case.

Mr. PETTUS. I do not know the authorities cited to that point, except one.

Mr. ALLEN. If the Senator will permit me, suppose the regularly elected and duly constituted senate and house of representatives of the State had been driven out of their respective houses at the point of the bayonet and a revolutionary body calling itself a legislature had been installed in its place, and they had elected and sent a man here, would the Senate be precluded by their action from inquiring into the regularity of the election?

Mr. PETTUS. I think not. This report says they would not in such an extreme case.

Mr. ALLEN. Then, if such fraud, in place of actual and open violence, were used as would destroy the legality of the legislature, would not that equally destroy the legality of the election, and would not this Senate, in the exercise of its power to inquire into the election and qualifications of an applicant, have what we may perhaps call, for want of a better term, the power as on a writ of error to review all proceedings of the legislature which had a tendency to vitiate their action in that respect?

Mr. PETTUS. Why, of course, that is my opinion, and that is what I am going to try to prove.

The Senator from Maryland [Mr. MCCOMAS] on this subject did injustice to his own very fair mind. He debated and cited for your consideration the case of General Lane, decided here during the civil war. The Senator ought not to have put that case here, as it is absolutely certain that a man of his great learning could not have believed a word in the decision of that case. It was a revolutionary case; it was in revolutionary times; it was in the midst of war. General Lane was a general, and he was a man who had to be considered; he was not a Silver Republican, nor a Gold Republican, and therefore his case had to be considered. It was considered. It was considered that it was necessary for the Senate to have him, and they had him.

But the Senator from Maryland knows that the case stands almost alone. He knows that the common law made that seat vacant; he knows that the Constitution of the United States made it vacant; he knows that the decisions all over the United States made it vacant; he knows that the report of the Judiciary Committee in the other body in the Wheeler case, a unanimous decision, declared that seat vacant. And the Senator from Maryland, as I say, did injustice to his great and fair intellect in even citing that case as an authority on a law question. He ought not to have done it. He ought to have stated, if he did do it, that the case was decided that way but that it was not the law. That was what he ought to have said, and that is the habit of the Senator because he comes from a judicial place where he has always been in the habit of declaring the law as he understood it.

Mr. MCCOMAS. Will the Senator from Alabama yield to me?

Mr. PETTUS. Certainly; I yield to the Senator.

Mr. MCCOMAS. If the Senator will allow me, I refrained from saying that I thought that a correct decision.

Mr. PETTUS. I notice that.

Mr. MCCOMAS. I do not think it a correct decision. I simply said that the Senate of the United States had once decided that question in the same fashion as the State senate. I am frank enough to say that I do not think the decision here was a correct one.

Mr. PETTUS. Mr. President, when you get along side of a great lawyer and see him act and hear him talk, you know where he is going. Although he may cite a case, he would be hung before he would declare that to be the law. So it is with the Senator from Maryland. He knew that it was not the law. He knew that it was an accidental, sporadic case which occurred here during the war.

Mr. SPOONER. Will the Senator permit me to ask him a question?

Mr. PETTUS. Mr. President——

Mr. SPOONER. Not by way of argument.

Mr. PETTUS. A question I will submit to, but not to debate. I tell Senators it is not fair and it is not just to interrupt an argument of a Senator merely for the purpose of seeing if you can not debate the question better than the man who is on the floor. If the Senator wants information or wants to ask a question, I am perfectly willing to yield for him to ask it.

Mr. SPOONER. I think it might have been quite as courteous for the Senator to have assumed that I only intended to ask a question.

Mr. PETTUS. No, sir; because I have heard you debate questions under the form of asking questions so often. It was a necessary precaution. [Laughter.]

Mr. SPOONER. I will not interrupt the Senator. I merely intended to ask a question for information. I agree with the Senator upon one proposition he was making.

Mr. PETTUS. No, Mr. President, I do not agree at all with the practice in the Senate. I believe any gentleman has a right to interrupt another for the purpose of obtaining information, or as the Senator from Maryland interrupted me a while ago when I made a mistake about the number of Republicans. Interruptions of that sort are natural and they are right, and gentlemen ought to indulge in them whenever they see fit; but this way of just bulging into the middle of the argument of another gentleman on the floor is excessively bad manners if it does occur in the Senate of the United States so often. [Laughter.]

Mr. President, we were talking about two military Senators, I will call them. The Senator from Maryland comes up like the brave and fair lawyer that he is and says that the decision in the Lane case was not the law. It has always been the law in England that where a man holds one office and accepts another inconsistent with the discharge of the duties of the first he thereby resigns his first office. That has been the law from time immemorial.

I recollect an old case, away back yonder in the black-letter books, where a justice of the peace in England concluded that it would suit his purposes if he had the office of a constable also, and thereupon he applied for the office of constable and was appointed constable of his bailiwick. The case came up for judgment, to ascertain whether he was a justice of the peace any longer, and the judges said he was not; that by accepting the office of constable, which was utterly inconsistent with the office of justice of the peace, he had resigned his first office; it was vacant, and he could not discharge any of its functions. That is a simple case. It is away back in the black-letter books, and there is nothing to the contrary of it since.

You talk about the constitutions of the various States. There have been some people—not the Senator from Maryland—but there have been some people who have actually tried to fritter away the constitution of West Virginia in reference to this subject, which says that a man who holds an office of profit under the United States, or any other power, is ineligible to the office of member of the legislature of West Virginia. If he is ineligible, he can not hold the office lawfully. A man can not go into an office and go out of an office and come back into the office at his will and pleasure. An office is a continued thing. One term of an office can not be broken in two and renewed at the will of the man who holds it. If any man be ineligible to hold an office after he is elected to it, he goes out. How did he ever get back? He gets back merely by force of will or the vote of such men as voted against Mantle because he was a Silver Republican. That is the way they get back; and the only way. I hope there was never such a man in this Senate.

Mr. President, it is absolutely demonstrated that these two Senators resigned their seats in the senate of the State of West Virginia. How did they ever get back? Now, mind you, I am not going on those suppressed depositions or anything of that sort. I am arguing this case on the scanty testimony that was admitted; to be sure it was pretty large in volume. Here it is, most of it [exhibiting the journals of both houses]; and therein the committee of the senate of West Virginia reported that these two men did accept those offices of profit under the United States; that they did serve in the offices, but were discharged from the offices before the next session of the legislature met.

I do not depend only on that, because the committee was gracious enough to allow it to be stated in an agreement that the facts as stated in the objection to those two senators were true, and that is a part of the record also. That was this side-bar agreement, when they took in another agreement, which I shall comment on hereafter. So it is an established fact that these two senators, after they were elected in 1897, resigned their seats, went into the war as officers, and received the pay of the United States as officers. Then they came back and they knocked at the door of the senate, as General Wheeler has been knocking on two occasions at the door of the House of Representatives. He has resigned now; and when he did resign one of the most useful men

Alabama ever sent to the Congress of the United States got out of place. But those two men came and knocked at the door. They were not told, "The judiciary committee finds unanimously that you have resigned." They said, "Walk in, gentlemen; we want you." They did not even refer the matter to a committee at that time; not at all. They said, "You are Republicans; you will vote for Mr. SCOTT. We want you. Walk in."

Anyone on the face of the earth who had intended to deal fairly would have referred that matter to a committee on credentials; but they did not do it. An objection was made; a protest filed; but it went on the table as quickly as the words came out of the mouth of the man who made the motion. Afterwards they did refer the matter to the committee on credentials, and they actually got a report. They acted on the report on the very day that the two houses were to vote separately; there were but two; they had no difficulty in the world in declaring that these two were all right. I wish to God that the argument made by the Senator from Connecticut [Mr. PLATT] in the Du Pont case on this identical question could have been laid before that senate of the State of West Virginia and that they might have read it to see that if they did give those men those seats for that fraudulent purpose, they were making a vast hole in the law of the land, to say nothing about their own oaths. The Senator from Connecticut argued this question in the Du Pont case, and he hardly left anything for any other man to say on the subject.

Now, Senators, here are two men who had resigned their seats and were reelected by the senate of West Virginia to vote for Mr. SCOTT. That vote, as I told you, was taken on the 24th day of January.

And on the same day—

Now, just look, Senators, for here is where the whole thing is colored and branded in letters that a blind man could almost see. Look at the fraud—

And on the same day (January 24, 1899) two petitions for contests of seats in the senate were presented to the senate as follows:
J. H. Collins, Republican, against J. H. Marcum, Democrat, and D. M. Shirkey, Republican, against Walter L. Ashby, Democrat.

On January 20, 1899, the following resolution was offered by Mr. White:

As there is a contest pending in this senate against Walter L. Ashby, a member of said senate from the ninth senatorial district: Therefore, be it
Resolved, That said Walter L. Ashby be suspended—

Notice the words, Senators—

be suspended from voting or discussing any matter that may come up before this body until said contest is settled.

Suspended! In the name of common sense and reason, where did any legislative body ever get the right merely to suspend a man because somebody had happened to claim his seat without any proceeding whatever to ascertain any fact in connection with it? That resolution was merely offered. Senators, I am speaking of it now as a preparation for the fraud that it was intended to commit. It is a very interesting subject for a man when he succeeds in a scheme of fraud and corruption like this.

This resolution, under the rules, went over. And at the same time, January 20, 1899, Mr. White offered another resolution in these words:

Resolved, That R. F. Kidd, from the fourth senatorial district, now holding a seat in the senate of the State of West Virginia, was not duly elected on the 8th day of January, 1898, but B. M. Morris was duly elected—

That is a mistake. It ought to have been the 8th day of November, 1898—

Therefore,
Be it resolved, That said R. F. Kidd vacate his seat in the senate of West Virginia, and M. B. Morris, of Gilmer County, be required to be sworn in as a member of said body.

That was not adopted, either. It went over under the rules. There is where they undertook to decide that Kidd never was elected, but the stomachs of the senators of West Virginia revolted at asserting in black and white any such miserable falsehood as that; and they would not do that—oh, no, they would not do that. They had not got up to the notch at that time.

On January 21 Mr. Latham offered the following resolution—

These are Republican senators offering Republican resolutions for Republican corruptions—

Whereas a contest has been instituted by J. H. Collins against James H. Marcum for a seat in the senate as a senator from the sixth senatorial district, and believing that, pending the further investigation of the case, justice and right dictate that said seat be declared vacant—

Pending the contest, justice and right required that the said seat should be declared vacant—

Resolved, That the seat in the senate now occupied by James H. Marcum as a senator from the sixth senatorial district be declared vacant; that the committee on privileges and elections be instructed to make a thorough investigation of the case and have power to send for persons and papers and any ballots in dispute, and to take such pertinent evidence as may be offered by either party, and that said Collins and Marcum be granted leave to appear before said committee in person and by counsel, and that pending such investigation neither James H. Marcum nor J. H. Collins be permitted to participate in the proceedings of the senate nor to occupy a seat therein.

Oh, Mr. President, the debauchery of such infernal proceedings can not be too strongly characterized. On January 23 White offered a resolution about Kidd, and the stomachs of his associates revolted at the nauseating dose; they were not willing to assert a miserable lie, and they all knew it to be a lie; and therefore they thought they would circumvent it, and here is the circumvention:

On January 23, 1899, the resolution offered by Mr. White, unseating Kidd and seating Morris, was called up and a substitute was offered by Mr. Smith.

Mr. Smith would do a lie, but he would not tell it. That is the amount of it, and here it is:

Whereas there is now pending in the senate a contest between R. F. Kidd and B. M. Morris for a seat as senator from the Fourth senatorial district of this State: and
Whereas said contest has been referred to the committee on privileges and elections, where the same is pending, and can not be determined for a considerable length of time—

That is a horrible state of affairs. A Republican came in and contested the seat of a Democrat, and the contest could not be decided for a considerable length of time. Therefore—

Whereas it is the opinion of the senate that pending said contest—

Just notice, Senators, "pending said contest"—

B. M. Morris should be entitled to said seat.

Pending the contest they wanted Morris's vote for SCOTT; he needed one; he needed it badly; and he needed it then. They determined to have it. Here is a man duly and legally and constitutionally elected, whom every man knew to be elected, who produced his credentials and was put on the list of the secretary of state, and went and took his seat, and was duly sworn; and he was never sworn any more—I want you to remember that also—he was sworn once, and he never was sworn any more; and they resolved that this good Republican, Morris, should occupy his seat pro tempore, pro hac vice—that is what it is—for the time; for the election of SCOTT; and for nothing else. That is what it was for; that is what it states in substance, until it is decided that Morris is to come in and Kidd is to go out. Well, if you search this thing a little longer you will find that that resolution was adopted; that Morris did go in, and Kidd did go out for the time being and for the purposes of SCOTT's election.

Just by way of winding up that subject, I will merely say, if you press it a little further, the election came off on the 25th day of January; and on the 7th day of February there was a unanimous report that Kidd was entitled to his seat. There had never been a particle of testimony taken after that time—not a particle—and there was a unanimous report to the senate that Kidd was entitled to a seat; and he was seated by a unanimous vote, but he was never sworn in any more; and he got his pay from the first day, or at least I believe he got pay from the first day—I ought not to say that, because I got it in the wrong place.

Mr. MORGAN. How did you get it?

Mr. PETTUS. How did I get it?

Mr. MORGAN. That fact about the pay?

Mr. PETTUS. I got it out of these mysterious depositions.

Mr. MORGAN. Out of the depositions?

Mr. PETTUS. I got it out of place; not in the evidence; and therefore I did not want to state it just now. But right here are the vouchers [exhibiting] and they are about as dirty a set as ever you saw in your life under the sun. Here they are. [Exhibiting the journals.] We were allowed to look at them; but no further, except into an agreement that was made by counsel. You know how much of an agreement counsel make. They will give you what they can not help giving you, a half loaf if they can not be required to give you a whole one; and they will give you a quarter of a loaf if the committee will require you to put up with that; and that is just about what it got here—a quarter of a loaf.

Kidd went back. He went back by the unanimous vote of all the senators there. He went back on the 7th day of February, after his absence from the senate had accomplished the very purpose for which he was sent out, to wit, the election of Mr. SCOTT. Keep the fact in mind, Senators, that Mr. SCOTT was elected by only 1 vote. And they say that in the Senate of the United States we can not examine into fraud like that. It may be so; it may be that Mr. SCOTT was neither a Silver Republican nor a Gold Republican and therefore we have no ground to vote against him—I do not know whether that is true or not—on the standard set up by the Senator from New Hampshire. I do not believe Senators can do such things as the senior Senator from New Hampshire charges them with.

Now, Morris went in, as I have shown, and took his seat under this resolution pro tempore et pro hac vice, and he voted for Mr. SCOTT in the election which was held in the separate houses. But it so happened that Mr. SCOTT did not get a majority on that occasion. SCOTT had 46 votes—I am speaking now of the votes in the two houses, the separate votes, on the 24th day of January—McGraw got 46, and 2 scattered. On the 24th day of January, when

the vote for United States Senator was taken in each house separately, there were pending contests in the senate and in the house. There was the case of Brohard *vs.* Dent, which was a contest pending in the house, and that was disposed of in the manner I shall speak of hereafter.

After this vote which was taken on the 24th day of January it was demonstrated that if Mr. SCOTT could get one more vote he could be declared elected. He got Morris's vote, but he had to get another vote, or he had to increase his proportion of the vote. He had to have one more vote. The question was how to get it. There are some very smart people in West Virginia. They went to bargaining. Those who framed the bargain are not very plainly seen. Oh, you can see them in the window, if you will look out. They do not stand in front. They do not do the negotiating. The subalterns have to do that. Then after the first vote for United States Senator five Democrats of the house and five Republicans of the Senate made a written agreement as to how the election should be conducted, and that agreement is copied into the majority report, and I propose to read the whole of it. That is another thing that Senator SCOTT'S counsel graciously and indulgently allowed the committee to receive as evidence. So I am not going out of the record, as my friend the Senator from Maryland accused me yesterday. Here is the agreement made by the five Democrats in the house and five Republicans in the senate, and it made it a mathematical certainty that Mr. SCOTT would be counted in the next day, and you can see it on its face:

To the Republican senators:

And those very words used at the top make the fraud manifest, as I shall proceed to show hereafter if I get a chance.

GENTLEMEN: In order to bring about a peaceful and orderly settlement of the differences now existing between the two houses of the West Virginia legislature, we submit to you the following propositions, viz:

(1) The election and qualification of the member of the house of delegates from Taylor County—

That is Brohard against Dent—

to be heard and tried upon its merits.

(2) The election and qualification of a senator from the Fourth senatorial district, to be heard and tried upon its merits.

That is Kidd and Morris.

(3) These two cases to be finally voted upon in each house on the 7th day of February, 1899—

Just about twelve or fourteen days after the election—

After 2 o'clock p. m. of that day—

It was very precise—

with privilege to any party to take any evidence pertinent up and until noon of February 6, 1899, when the taking of evidence shall be closed.

It never commenced after that.

(4) All contests and controversies as to the membership of each house other than the two above named to be dismissed, and no further contests or controversies respecting the membership therein to be brought or entertained by either house.

(5) Pending the investigation hereinabove referred to, neither Dent—

The sitting member—

Neither Dent, Brohard, Kidd, or Morris shall vote, in joint assembly or otherwise.

"In joint assembly." What in the world was the use of putting in "joint assembly?" What did the joint assembly have to do with a member of the senate of that State? The words themselves carry along a world of meaning.

Pending the investigation hereinbefore referred to, neither Dent, Brohard, Kidd, or Morris shall vote, in joint assembly or otherwise.

(6) All resolutions now pending in either house looking to unseating any member thereof, or questioning the seat of any sitting member, shall be dismissed.

It left SCOTT a majority pro tempore et pro hac vice. His majority lasted long enough to vote for him and no longer, and here a majority of all the members of both houses of the West Virginia legislature tell you that that was a fraudulent transaction and you are asked to set it aside.

Mr. President, that agreement was carried out; that is to say, the senate enacted a resolution carrying out its part of it and the house enacted a resolution carrying out its part of it. Oh, but they tell us Morris did not vote. Morris did not vote. I know he did not. He had no right to vote. He never had a semblance of a right to vote. He did vote on the 24th. That showed the corrupt intent and motive of the thing, but when they could bargain him out and bargain it so that they did not have any use for Morris's vote, they turned him and Kidd both out. Kidd went out along with Morris for the time being.

In the house the Dent and Brohard matter went over. Thereupon Mr. SCOTT lost two adversaries at one blow. He got rid of two Democrats at one time by this agreement, and he had no longer any need for Morris, though he had been used corruptly the day before. Now, Senators, just look at this case on this aspect and on this little piece of testimony which has been allowed to go before you. I now intend to open the other end of the case. Senators, it is one of the most miserable things that ever was perpetrated on a free people. How did it begin? They had an election in November, 1898, for members of the senate and members of the house, about one-half of the senators, I believe, holding over. You would be astonished to see what sort of people participated in this transaction. The very first bounce was from the governor of the State. When I read it it made me sick, that the governor of a great Commonwealth should get down in the dirt of politics and mix up with this swindling thing. Here it is, the very first step that was taken in this programme.

There was a man named Pritchard, who ran against a man named Ash in Marion County. Ash was elected and Pritchard defeated. Ash went and took his seat in the senate and nobody objected to him at the time. That is one of these contests that I have been reading about, where they were going to suspend the fellow. Listen to the governor—how he talks, how pure, how elevating, what a grand, high plane he speaks from:

CHARLESTON, KANAWHA COUNTY, W. VA., *November 29, 1898.*

Capt. A. L. PRITCHARD:

Party interests demand contest in your case.

We will pay all expenses. Please wire Kendall to proceed immediately.

The governor of the State of West Virginia getting away down into the mudsills of the vile thing and inaugurating the proceeding himself!

Party interests demand contest in your case.

The contest did not get there until the 20th or 23d of January. They had in that State a secretary of state. He happened to be a Republican. It happened also—the civil-service rules ought to be amended and extended to West Virginia—that he was chairman of the Republican executive committee of the State as well as secretary of state. He did not have to go far for the seal. I beg of you gentlemen who are so much in favor of the civil service that you will send it over to West Virginia. It is badly needed in Charleston.

Mr. ELKINS. How about Alabama?

Mr. PETTUS. I am talking about Charleston. The Senator's picture is in this thing. Do not get impatient. I will get to you after a while.

Mr. ELKINS. All right.

Mr. PETTUS. Now, here is the secretary of state and chairman of the Republican committee, and also Mr. White, the secretary. He is the collector of revenue in that district, and he is secretary of the executive committee. You need the civil service very badly over there, and a little streak of honesty in your elections would do a good deal of good, too. This is to Capt. A. L. Pritchard, manager, dated the same day, the 29th day of November, 1898:

Republican State executive committee request you to allow the use of your name in contest proceeding to protect interests of Republican party. All costs and expenses will be paid by us.

Hiring a man to go into this dirty business and telling him, "We will pay all your expenses; do not be uneasy on that score." Mind you, I am talking from these suppressed depositions. That is where I get this from, not from hearsay, but from the very thing itself.

These two telegrams happened to go to the wrong man, that is all. There was a Capt. A. L. Pritchard, as I understand from the testimony, but the man who did not get elected was named A. N. Pritchard, and he was no captain, either. The captain, as you see, was a man who stood head and shoulders above his uncle, A. N., and he was a Democrat. These telegrams went to the captain, and they did not go to the defeated candidate. I think the testimony shows that that is the way they got here, else they never would have been talked of.

Now, that is the way the proceeding was commenced, and the testimony goes on to show that they invited all of the defeated candidates for senators to come to Charleston for the purpose of instituting contests and occupying their seats, if necessary, and the testimony further goes to show that they openly, publicly, and aboveboard threatened to turn out all of the newly elected senators in the State of West Virginia who were Democrats and to put Republicans in their places.

This is not a piece of testimony coming from one man or two men, but the whole air is full of it, and men testified positively to these threats. They declared that if the Democrats did not agree with them as to how this difficulty should be settled, they would disband the house of delegates and make a new house of delegates of their own with the members that they would take out of the old house. They had the governor, they had the attorney-general, they had the senate, and the house of delegates was by itself. "If the Democrats do not consent to what we propose, we will organize a house of delegates." More than that, the attorney-general of the State, who does not seem to like fraud near so well, went into this Brohard and Dent case.

The trial was before the committee in the house of delegates. They adhere to the old Virginia name. He went into the contest as lawyer in a disputed case pending before the committee on privileges and elections in the house of delegates, and he argued the case for his Republican friend. And right there in the committee, in the presence of men who used to be as brave as any who

ever lived—I do not know how they are now, but they used to be—he told them, in substance, "If you seat that man Logan, this city will run with blood," talking to a committee of a supposed independent branch of the legislative body. I am telling you now what is shown in these depositions that the committee never saw any point in or never allowed to be read or never allowed to be retaken; and they are not allowed to be talked about now.

There is one peculiar feature, and I call the attention of my friend the Senator from Maryland to it again. I did it before any of these things came up here. We talked about it when we were writing our several reports. You notice that the Senator from Maryland attaches a large degree of importance to the form in which that agreement was made. I will go back to that now. I promise you that I would have something to say about it.

To the Republican Senators:

GENTLEMEN: In order to bring about a peaceful and orderly settlement, etc.

We Democrats propose to you Republicans. The Senator from Maryland very justly says—he wrote that before I called his attention to it, and he lays emphasis upon it in his report—that the Democrats proposed that settlement. According to these depositions there is not a word of truth in that proposition. The Senator evidently attaches importance to it, else he never would have reviewed it in that way. He says: "Here it is, a proposition of the Democrats to the Republicans, and the Republicans merely accepted it; that is all." Well, anybody would say he has a pretty good theory to go on, but it only existed after the depositions were excluded. It did not exist in fact, and I will show you. It was a mere theory; and you can establish almost any theory if you will knock out all of the opposing facts. Now, just listen to one of these depositions on that identical point:

Very soon after the unseating of Kidd—

That is, on the 24th day of January—

Very soon after the unseating of Kidd I was met by Hon. Z. I. Vinson, of Huntington, chairman of the Gold Democratic State committee, at the Hotel Ruffner, who invited me to a conference with himself and John T. McGraw in John T. McGraw's room. He said that Senators Fast, Marshall, and others, though they acted with their party in unseating Kidd, did not approve of such revolutionary tactics and wished to make a compromise fair and just to all concerned under which they could break away from their party associations.

Just listen to this!

That is the proposition that comes to the Democrats. It came to the Democratic chairman and to the Democratic candidate.

He stated that if a sufficient number of Democrats in the house to carry the resolution through the house, in conjunction with the Republicans, would agree to the proposition he had to make, that enough Republicans in the senate would agree to such a resolution to carry the proposition in the upper branch of the State legislature. His proposition had the essential features of the agreement as it was finally signed.

He said at the time that should Senator ELKINS and Chairman Dawson learn what was going on before it was done they would put a stop to it, and urged that if the Democrats wished to retain their newly elected senators and to reseat Kidd, who had already been unseated, that they act with all speed, while those Republicans who had cooperated with their party in unseating Kidd were repentant and willing to act the part of honest officials and conscientious citizens. He was requested, either by myself or Mr. McGraw, to put his proposition in writing.

The Democrats made the proposition, it is said. This man who came from the Republicans was requested to put it in writing, and he did put it in writing.

He did so then and there, and the proposition filed herewith is the original proposition then and there drafted, except as to the striking out of the word "conservative" and the change of dates in section 3.

That is from the 10th to the 7th of February.

Figuring what the result would be under the compromise agreement it was seen at once that the Democrats could not elect a United States Senator by a party vote, but the advantage of retaining the legislature in its integrity and of preventing any further revolutionary tactics upon the part of the Republicans, and the undoing of the great wrong that had already been done Senator Kidd, was regarded by us as of too great advantage to be lightly thrown aside, particularly in the face of the evident purpose of the Republicans to further increase their majority by throwing out additional hold-over senators.

They call the hold-over senators there two ways. Before they come in the old ones are called "hold-overs." After they come in together the new ones are called "hold-overs."

I therefore, after discussing the length of time allowed for maturing the contests and objecting to any greater delay than February 4, which was inserted in the paper, took the paper to the capitol and in fifteen minutes had the necessary number of signatures of the Democratic members of the house of delegates. The paper was then handed to Mr. Vinson, and he stated that he would immediately obtain the signatures of the Republican senators. The next time I saw the paper was that evening, when it was handed to me by George W. McClintic, who had been acting as counsel for the Republican committee in the Republican contest cases. The dates of hearing the contest cases had been changed in the paper from the 4th day of February to the 10th day of February, Mr. McClintic stating that this much time was necessary in order to mature the contest cases.

The Democrats objected to this delay, as needed legislation had already been delayed too long. We were in the hall of the house of delegates, and there was a considerable dispute before the opening of the night session as to this change in date. Very much to the surprise of the Democrats, who supposed that the leaders of the Republican party were neither aware of the agreement nor approved of it, many of the latter appeared to participate in the discussion. W. M. O. Davidson, chairman of the Republican State committee, and the secretary of the committee, A. B. White, of Parkersburg, and others appeared as though interested in the proceedings.

The speaker of the house called the house to order, and, on motion, it was adjourned in a very few minutes; and by arrangement the signers of the agreement and those proposing the same agreed to meet at the Ruffner Hotel, and did later gather at the room of Speaker McKinney. Here were present Senator STEPHEN B. ELKINS, Congressman B. B. DOVENER, Chairman Dawson, and other leaders of the Republican party. All seemed to be fully cognizant of the terms of the agreement and fully advised as to the difference between the parties having it under consideration. After some discussion the change in time to the 7th of February was agreed upon, and resolutions carrying out the terms of the agreement were spread on the records of the two houses the following morning, which was the day of the joint convention.

There is the agreement. Six Democrats and 6 Republicans under their advisers agreed to turn out 2 Democratic votes, suspend them for the time being, in order that Mr. SCOTT might be elected.

Well, Senators, that is the case as presented by the evidence. I do not mean evidence; I mean the depositions.

Now, the question before this body is, Has that case been fairly investigated? I say it has not and that these facts demonstrate that it has not. Here a governor, a senate, an attorney-general, the secretary of state, and other high officials agree together to revolutionize that legislature, and give notice that they will do it if their propositions are not complied with, and they were complied with, and the 2 senators who had resigned their seats voted for Mr. SCOTT and 2 Democrats were hoisted up into the air so high that they could not vote against him.

Now, has that case been fairly investigated? There have been no witnesses; not one. Senators, until you believe that the class that the Senator from New Hampshire describes as men who vote on mere caprice and whim, vote against a man because he is a Silver Republican and against a man because he is a Gold Republican, until you get in that debauched frame of mind, you are bound to see that this case was not fairly investigated. Oh, you can send thousands of miles to the West and gather up hundreds of witnesses. When it suits your purpose, you can do that, and spend for the country thousands upon thousands of dollars without any stint of hand; but when it comes to investigate an arrant case of fraud right here at your door, you close the door to any testimony whatever except that which is admitted by the counsel for the Senator occupying the seat.

Senators, we ought to act as judges. We ought to strike a straight line. You are bound to do it, unless you are debauched, like the Senator from New Hampshire says you are. I never said it, and God forbid that I should ever have cause to say it.

Mr. President, before this case is ended I want to enter a motion. I will enter it now, if the Secretary will be so kind as to write it down.

I move that the report and resolution in the case of Senator N. B. SCOTT, from West Virginia, be recommitted to the Committee on Privileges and Elections with instructions to investigate the case fully by all such legal evidence as may be presented to them.

Of course I do not expect this motion to be acted on until you come to vote on the whole case.

I thank you, gentlemen, for your kind attention.

Mr. TURLEY. Mr. President, as a member of the Committee on Privileges and Elections who joined in the majority report, I wish to state briefly my views on the questions involved, especially as when I differ from the Senator from Alabama I feel as though there is some likelihood of my being in error. But I have never had clearer convictions about the law of a case and about the power of this body over the facts as presented here than I have in this case.

The case turns on three facts, I may say; that is, it turns on the action of the house of delegates of West Virginia, in a contest between a man named Brohard, who was a Republican, and Dent, who was a Democrat; the action of the senate in two cases, one the contest between Morris, who was a Republican, and Kidd, a Democrat, and the other the cases of the two senators who entered the United States Army during the Spanish war.

Now, in the case in the house, the case of Brohard against Dent, as I understand the records of the legislature of West Virginia, the house referred the claims of both these contestants to its committee on privileges and elections in a regular and formal way; that there were two reports brought in, and on those reports the house fixed a day when they should be considered; and that when that day arrived, they were considered and Mr. Dent was seated.

Now, that is the record, the judgment of the action of the house of delegates of West Virginia which is presented here. When we come to the case of Morris against Kidd in the house, it was a Democrat contesting a Republican's seat; in the senate it was a Republican contesting a Democrat's seat. That case, I believe, went to the committee on privileges and elections. I know it did at one time. But on the 23d of January, 1899, the house solemnly adjudged that Morris was entitled to the seat pending the contest, and it turned Kidd out and put Morris in.

Mr. PETTUS. That was the senate.

Mr. TURLEY. Yes, that is the senate. They turned Kidd out

and put Morris in. That is the judgment that is brought here before the Senate of the United States. A further provision of that judgment of the senate of West Virginia was that Morris was entitled to the seat pending the contest.

Now, afterwards the resolution was passed in the senate and also in the house, as I understand it, fixing the days when these contests should be acted on and decided, reciting in the resolutions that that would give time for both sides to be heard, and when that day rolled around the contests were decided. Morris was ousted of the seat into which he had been inducted by the judgment of the senate during the pendency of the contest, and Kidd was restored, and Dent, as I stated, was placed in the seat in the house. In the house neither contestant was allowed to take the seat until the contest was over.

Mr. SPOONER. The house was Democratic?

Mr. TURLEY. The house was Democratic and the senate was Republican, but I never considered that in construing this case. I will say a few words about that view of it before I conclude.

Now, when we come to the two Senators who joined the Army of the United States——

Mr. PETTUS. I should like to have the Senator's view on one point, if he will allow a question.

Mr. TURLEY. Yes, sir; I will be glad to give it.

Mr. PETTUS. Do you believe a legislative body has power to suspend a sitting member and put another man in his seat without any investigation whatever?

Mr. TURLEY. Well, I believe it ought not to do it.

Mr. PETTUS. I am talking about the power.

Mr. TURLEY. Yes; I believe it has the power to do it. I believe it ought not to do it without an investigation and without evidence. But if the Senator wants my view on this question, it is that the legislature of a State, when we once find out that it is a constitutional, regularly organized legislature, has just exactly the same power over the questions as to who are entitled to seats in that body as this body has to determine who are entitled to seats here. In other words, they are coordinate courts.

The PRESIDENT pro tempore. Will the Senator suspend?

Mr. PETTUS. I wish to ask the Senator one other question.

The PRESIDENT pro tempore. The Senator will excuse the Chair while the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2355) in relation to the suppression of insurrection in, and to the government of, the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of December, 1898.

Mr. CHANDLER. At the request of the Senator from Massachusetts, who, I think, is not in the Chamber, I ask that the bill may go over until to-morrow, retaining its place as the unfinished business.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that the unfinished business may go over until to-morrow. Is there objection? The Chair hears none. The Senator from Tennessee will proceed.

Mr. PETTUS. May I ask the Senator also for his opinion on one point?

Mr. TURLEY. Certainly. I yield to the Senator from Alabama.

Mr. PETTUS. Do you believe that a legislative body in this country has a right, without any investigation, to turn a man out, temporarily suspend him, and give the seat to another man, without any investigation, when it requires two-thirds of the votes to expel him?

Mr. TURLEY. I believe it has the power. Of course it might appear on the face of the record that two-thirds did not join in it, but suppose that two-thirds do join, without investigation, I say that the legislature—the constitutional, regularly organized legislature of the State—has the power. Whether it is wisely executed or not, or whether it is corruptly executed or not, or wrongfully executed or not, is a different question. It has the same power that we have here. It is just like two chancery courts or two circuit courts of coordinate jurisdiction. If the record shows that the judge of a chancery court has tried the case, when another court comes to review it, fraud and corruption out of the way, it is not a question as to whether he has heard sufficient evidence, whether he has taken the testimony of a sufficient number of witnesses, whether he has unjustly ruled out evidence. That is a question to be reviewed in an appellate proceeding, and this Senate has no appellate jurisdiction over the legislature of the State.

Mr. CULBERSON. I desire to ask the Senator from Tennessee a question.

Mr. TURLEY. I would be glad to hear the Senator.

Mr. CULBERSON. Presuming that the constitution of West Virginia provides that the senate and house shall be the sole judge of the qualification and election of their members——

Mr. TURLEY. It does so provide.

Mr. CULBERSON. The Constitution of the United States provides that the Senate of the United States shall be the sole judge of the qualifications and election of members here, and it also provides that that Constitution shall be the supreme law of the land, any constitution or law of any State to the contrary notwithstanding. I will ask the Senator what figure that provision of the Constitution cuts, in his judgment, on the question he is discussing?

Mr. TURLEY. Do you mean the figure that Congress——

Mr. CULBERSON. That the Constitution of the United States shall be the supreme law of the land.

Mr. TURLEY. I do not think it has the slightest application to the question. I do not think it was ever intended to apply to any such question.

Mr. CULBERSON. Mr. President, I will ask the Senator another question, because I am only seeking information. I have no opinion formed upon the case. I will ask him to state what are the precedents in this body as to the right of the Senate of the United States to inquire into the organization of legislatures which have elected United States Senators.

Mr. TURLEY. I am just going to give one, one which is exactly a parallel to this, under which, if I remember, one of the most distinguished Senators who ever occupied a seat in this body took his seat here, and I will read a quotation from the report in that case. It is from David Turpie's case, and I understand there is no precedent in the Senate which is to the contrary.

> This body is made by the Constitution the judge of the election, qualifications, and returns of its members. The senate of Indiana is likewise the judge of the election, qualifications, and returns of its own members. We must determine all questions arising out of the proceedings of the electors. But who sustain the character of electors is to be determined by the legislative body of the State. We can not inquire into the motive which controlled its judgment.

Now, in that case, as far as the record shows, which is a part of the records of the Senate, two men were turned out and two others were put into the senate of Indiana, so far as can be seen, without one particle of proof being taken. This same attack was made there that is made here—that this Senate had, under the power of appeal or this doctrine of writ of error, revisory power over the acts of the legislature, and that it could review the acts of the senate of Indiana in seating these two men, because it was claimed here that it was done illegally and without evidence.

But the Senate decided in that case that it is exclusively for the legislature of the State to determine who are members of that legislature; that it is within the jurisdiction of this body to determine whether it is a constitutional and legal legislature, properly organized under the Constitution of the United States and of the State, but that this body can not go into the inquiry whether this and that member and that member and that member are properly entitled to their seats in the senate or house of the legislature of a State.

Why, think where the doctrine would lead. I appeal to Democrats on this doctrine, because, as I understand it, it is a cherished principle of our party that the State legislatures are as supreme within their jurisdiction as is the Congress of the United States. Think where it would lead us to. You never could have a contest over the right of a Senator to take his seat here but what charges might be brought.

Suppose it is a case, just as it is here, where 1 majority decided, and it is said, "This man who cast the deciding vote secured his election to the legislature by bribery"—in other words, that he bought his way into the legislature—and the record is produced here where the legislature had investigated that very question and decided it in the man's favor and held that he was entitled to a seat, under this doctrine here we are to reopen that investigation. So, too, if another man was alleged to be ineligible because he was under age and the legislature passed on that question, the Senate could open it up again; and if it was a case where there were 10 majority, as many causes of ineligibility as the law allows could be brought against 10 members, and the Senate be called upon to try every one of those cases, although the legislature of the State itself had tried them and rendered its decision.

Mr. SPOONER. The action of the legislature could not be changed in the State by a court or anybody else.

Mr. TURLEY. Nowhere; it is the last and final court of resort. There is no power on earth that can supervise it or revise it any more than there is power over the action of this body here when it once decides who is a member of it.

Mr. PETTUS. I will ask the Senator one more question, if he will allow me.

Mr. TURLEY. Certainly.

Mr. PETTUS. Suppose 10 foreigners and 10 infants compose part of a legislative body, and that fact appeared on the record of the legislature, what would you do then?

Mr. TURLEY. You might have a case of that sort where it would appear on the record of a legislature that it was not a legal and constitutional legislature. You are assuming facts that would destroy its character as a legislature. But let me put this case to

you: Suppose proceedings were had in the legislature on a contest over a Senatorship or any State officer who had to be elected by the legislature, and one side charged that 10 members of the legislature are foreigners and 10 over here are infants, and the record showed that the legislature investigated those charges and rendered a solemn judgment that the 10 were not foreigners and the 10 were not infants; I say if the facts were again realleged here in the Senate——

Mr. PETTUS. If the Senator will allow me, suppose the legislature determines on the record that 10 of them are foreigners and 10 of them are infants, and still seated them, what are you going to do then?

Mr. TURLEY. That is not this case here. You might have a case then where you would destroy the legal organization of the legislature by its own records. That is not the case here. The case here is that it is insisted that the Senate shall reopen this question, because it does not appear affirmatively on the record that evidence was taken in the trial of these cases.

Now, when you go into these depositions you can find a great deal in those matters, but I plant myself here in this report on the principle that the judgment of a State legislature on the qualifications of its members and their right to a seat is as conclusive on this body as it is on every citizen of the State in which that legislature exists. It is as binding on us as it is on the men who have to obey the laws of that legislature. Could a citizen of any one of these States say, when he is accused of violating some law of that State, "Ah, well, I am not guilty, because some man sat in that legislature and cast a deciding vote on it who was not entitled to vote," even though the record showed the judgment of the legislature that he was entitled to sit and entitled to vote? It is just as binding here as it is there. Now, the same principle applies to all these cases.

In the determination of the question as to whether the two soldiers were ineligible or not, the constitution of West Virginia was construed by the legislature. It was the final tribunal to decide it upon the facts. The facts were that between two sessions of the legislature these two members joined the Army, I believe went to Cuba, or at least served during the time for which they were enlisted, and were discharged from the Army before the legislature reassembled, so that during the actual sittings of the legislature they were not members of the Army. Now, whether the decision of the legislature was right or not is a question of law I am not going to discuss, but it is as binding as if it had been passed on by the supreme court of West Virginia.

Suppose there was a provision under the constitution of West Virginia, as there is in some States, that questions of this sort, instead of being passed on by the legislature, shall be referred to the supreme court, and that was the tribunal to pass on it, and it solemnly decided as a matter of law that the facts, as they existed with reference to these two men, did not render them ineligible to a seat, has this body got the right to revise that? Are we to institute a practice here by which appeals are taken and writs of error filed here with this body to supervise every step taken by a State legislature? If we are, we had better abolish the States to-day and make them simply counties or mere subdivisions of the General Government. Now, that is the case itself.

As to what was done there, as to whether the course pursued by these members of the legislature in the capital of West Virginia was wrong or was a crime against the citizens of West Virginia, I am not going to take time to go into it. The one body was Republican and the other was Democratic. It seems that the leaders on each side got to trading amongst themselves. Well, if we went into the history of these things I expect we would be surprised at the amount of important legislation and the number of important events which have resulted from informal agreements between parties on each side, afterwards ratified by the body in its constitutional and legal capacity, because what was done under this agreement was carried out by the judgment of the legislature itself. Whether it was wrongfully given or not, whether it was a crime against the citizens of West Virginia or not, is a question for the citizens of West Virginia to settle when they call these public officers to account in a subsequent election, and it is not a question for the Senate of the United States to go to West Virginia and overthrow its legislature and its government and investigate every act which occurred from the beginning of that legislature down to its end, because there is where it would lead to. There would not be a single transaction hardly, under this doctrine for which the Senator from Alabama contends, that would not be open to the supervision of the Senate of the United States.

I protest against any such doctrine as that. I do not justify what was done there. Whether it could have been avoided or not is a question that I do not know enough about to determine; whether those Democrats who went into that agreement were justified or not, whether the Republicans were justified or not, is a question that I do not consider. I plant myself on the broad proposition that the regularly organized constitutional legislature of a State is supreme on these matters, and that to hold differently would be absolutely destructive of the rights that are left to the States.

Mr. CHANDLER. Mr. President, I rose when the Senator from Tennessee [Mr. TURLEY] did, but I might well omit to speak, because he has stated the case so clearly. I shall, however, occupy a few moments in stating my view of the four points of objection that are made to the title of Senator SCOTT, of West Virginia. I shall not discuss the Quay case; that is in the past. I shall not discuss the Montana case; that is in the future. I will confine myself to the West Virginia case.

Mr. President, the first of the four objections to the title of the Senator from West Virginia was the claim that he was not a resident of the State. It appears that at one time while a resident of the State he came to Washington and served very creditably as Commissioner of Internal Revenue. The whole committee agreed that there was nothing to this objection.

The next point was that the seats of Senators Getzendanner and Pierson were vacant because they had been for a time officers in the Army. Mr. President, the constitution of West Virginia is very strong on that point; but Senators know perfectly well that many acts are characterized in the expressions of statutes and constitutions as void which are only voidable. In this case the question whether these officers had lost their seats in the senate because they had served in the American Army against Spain was taken up formally and deliberately by the senate of West Virginia, and it was decided that they had not. It seems to me that there can be no sound argument made to a modern tribunal, whether a court of law or the Senate of the United States, that these offices were so completely void that they could not be held to be filled by their original occupants by the judgment of the senate of West Virginia.

The third point is the one which has just been discussed by the Senator from Tennessee so fully; and that is the objection growing out of the agreement entered into by the leading Republicans and Democrats in the legislature, concerning the temporary disposition of certain contested-election cases which were to be taken up by agreement at a date fixed, which date would be after the vote had been taken for the election of a Senator.

There were not only pending the two cases of Morris against Kidd in the State senate, and Dent against Brohard in the house, but there were many other cases; there were eight in the house, and there were efforts being made to originate other contests. The Senator from Alabama has stated the efforts that were made to bring on other contests, and has severely criticised the governor of the State for his effort to bring on a certain contest. Whether this was or was not a comfortable condition of affairs need not be decided here.

The fact existed that two sets of excited men were facing each other; that contests were being inaugurated all over the State against Democrats in the senate and against Republicans in the house; and that there was very great danger that there would be such a conflict in West Virginia that there would be two legislatures, which would be very injurious to the State and very injurious to the United States.

So, Mr. President, under those circumstances an agreement was entered into. The Democratic senators proposed to the Republican senators in a signed paper, which the Republicans also signed, that there should be a suspension of hostilities, that there should be a stoppage of this work of disintegration and destruction, until after the election of a United States Senator.

Mr. President, I can imagine an agreement of that kind which would be so objectionable that the Senate would take notice of it. If it had been an agreement that was corruptly entered into, if that had been proved, we perhaps ought to take notice of it. If it had been an agreement that had been brought about through violence, or threats of violence serious in their nature, then I might perhaps agree with the Senator from Alabama that the Senate should take notice of it.

But, Mr. President, there is nothing to indicate that violence existed or was threatened, except a slight remark of the attorney-general, to which I shall allude when speaking of the fourth point. There was nothing of that kind, and the agreement, which is found in the committee's report made by the learned Senator and great lawyer from the State of Maryland [Mr. MCCOMAS], is an agreement commendable in every way. I have read it through carefully several times to see whether there is the slightest element in that agreement which makes it against public policy, and nothing of the sort can be discovered.

I ask Senators to read it on page 6 of the majority report. It was, as the Senator from Tennessee well suggests, like the agreements that are entered into in this body over and over again by the representatives of the two parties, perfectly moral, perfectly proper, perfectly judicious, and which are valid because they are subsequently carried into effect by the formal action of the Senate itself. Such action took place in this case, and it was settled that the contest of Morris against Kidd, in the senate, and the contest of Dent against Brohard, in the house, should be postponed and

considered on February 6, after the legislature had voted for a Senator.

Mr. President, one was a Republican case and one was a Democratic case, and both these were bona fide contests so far as I know. If either one was a bona fide contest, the other was a bona fide contest. There can be no doubt about that. So the two great political parties in that State, in an agreement which challenges my admiration, arranged that neither of those two contests should be disposed of until after the Senatorial election; and the agreement that was thus made was ratified by the senate and the house, and constitutes, as the Senator from Tennessee has shown us, an irrefragable judgment of the legislature of West Virginia, beyond which we have no right to go.

Almost the whole argument that we ought to go behind that decision of the legislature of West Virginia is based upon the fact that after the Senatorial election the Republicans in the senate concluded, upon an investigation, that Kidd was entitled to his seat and gave it to him, while in the house of representatives, which was Democratic, the Democrats turned out Brohard and gave the seat to Dent. If that proves anything, if there are any presumptions arising, the only presumption is that the Republicans in the senate were fair and that the Democrats in the house were unfair.

There is not anything in the whole record to challenge the good faith of either one of these decisions, so far as I know. If I am wrong, the Senator from Maryland will correct me when he speaks again. If the result of the action of the two bodies of the West Virginia legislature, after a Senator had been elected, had been to seat the Republican in the one house and the Democrat in the other, this case never would have been heard of, Mr. President; but because the Republican senate, after a careful investigation, concluded on the whole that Mr. Kidd was elected to his seat and gave it to him, therefore we have had this controversy, made wrongfully and unjustifiably, as I believe, against the right of the Senator from West Virginia.

Mr. President, the fourth point that has been made by the respected Senator from Alabama is that there were circumstances of violence in connection with this election which the committee ought to have investigated. The sole evidence on this point is a speech made by the attorney-general of West Virginia when the case of Via was being discussed before a committee.

The Senator from Alabama, I think, did not quite quote the speech correctly. The attorney-general was arguing an election case with some vehemence; the times were quite exciting in Charlestown; there was a great deal of feeling and a great deal of anger on both sides, and there were symptoms that there might be two legislatures. When this Via and Logan case was heard, the report is—I do not know whether it is an accurate statement—that the attorney-general in his speech before the committee charged that the committee had already agreed to decide against Via and in favor of Logan, and said that if they were to carry out this prearranged plan the committee need not be surprised "to see blood flow in the capitol on the next day, because plans had been formulated looking to the preventing of the seating of Logan, even at the cost of shedding of blood."

Mr. President, that one speech did not surround the legislature of West Virginia with any such violence that our committee thought it worth while to consider the question whether the organization of this legislature and this election of a United States Senator were void by reason of violence.

Mr. President, fiery orators are apt to say such things. When the views of eloquent speakers are likely to be met with disfavor they are apt to think that the Republic is numbering its last days, and they seem to hope that their partisans will follow up their fervid arguments and intense utterances by fighting for them. But they do not do so. When the case is over and decided, peace is resumed; and this impolitic and injudicious utterance of this attorney-general, if he made it, was a thing by itself and created no great excitement. It did not even deter the Democratic committee from unseating Via, and yet there was no bloodshed.

Mr. President, the utterance was exactly like the famous speech of Governor Waite, of Colorado, who said that his people would wade into blood up to their horses' bridles if something was not done. I forget what it was; perhaps the Senator from Colorado [Mr. TELLER] can tell. Perhaps it was if we did not have the free coinage of silver very soon. I do not suppose because Governor Waite said this that all the proceedings of the Colorado legislature at that time were void, or that therefore, if they had elected the Senator or his colleague at that time as United States Senator, the election of United States Senator would have been illegal.

Mr. President, this last point is hardly worthy of serious discussion; but having been presented by the Senator from Alabama, who is learned and able in his line of writing and discourse, it was due to the Senate that the Senator from Maryland should make the statement which he has made and that the point should be thus briefly discussed by the advocates of the majority report.

Mr. McCOMAS. Mr. President, the motion of the distinguished Senator from Alabama [Mr. PETTUS] to send back this subject to the Committee on Privileges and Elections has induced me to make some response to the points urged by the Senator with so much ability and earnestness. The committee, with the exception of the Senator from Alabama, were agreed that this was not a case for investigation by the examination of witnesses; that there was such a paucity of allegation of either intimidation or fraud that no matter was before the committee as an alleged offense to be in that manner investigated.

The Senator from Alabama has likened the inquiry and the finding of the West Virginia legislature to a judgment, a foreign judgment; but the very ground of the inquiry into a foreign judgment, in the case of Ritchie against McMullan, in 159 United States, on page 242, was stated with precision "to warrant the impeaching of a foreign judgment because procured by fraud, fraud must be distinctly alleged and charged."

There was nothing in the case before the committee to be examined except trifles, such as a heated expression of an excited attorney in a committee room, or an idle threat that unless the decision of contests for seats be fair, there might be dual legislatures—utterances of partisans, made in a moment and forgotten, made without responsibility.

When the counsel for the remonstrants in this case were urged by others of the committee and by myself to present a written proffer of the evidence they could produce and were again and again called upon by the chairman of the committee, the Senator from New Hampshire [Mr. CHANDLER], to present in writing their proffer specifiying matters they desired to be investigated tending to show either fraud or intimidation, they were unable to do so. At least they did not specify; they discussed, but never wrote out any offer of testimony; and well they might not, because after a long discussion it was apparent that there was no material testimony to be produced of either fraud or violence, and the committee, with the exception of the Senator from Alabama, agreed there were no matters in this case requiring or justifying any such fruitless waste of time.

And so the case came here to be decided. The committee reported to this House upon the record, which record is in the report. The case of the Senator from West Virginia is one of the simplest that was ever examined in this Chamber.

Some matters which the junior Senator from Alabama has urged would have made no difference in the result, but simply a difference in the majority of the Senator from West Virginia. Had the very agreement which the Senator has here with such vigor discussed never been made, had the vote proceeded without it, the vote for the Senator from West Virginia would have been one more, and the vote of Morris, by the agreement excluded, would have increased his majority by one.

I need not follow the learned and distinguished Senator outside of the record. He has discussed the matters in the pamphlet which I hold in my hand. What is it, Mr. President? It is a brief of the remonstrants, and it contains only print. The Senator from Alabama and myself can not be assured that here are correctly printed even these depositions. The original depositions——

Mr. PETTUS. Will the Senator excuse me for an interruption?

Mr. McCOMAS. Certainly.

Mr. PETTUS. The depositions themselves were submitted to the committee, not the print to which the Senator refers.

Mr. McCOMAS. The printed copy is all I could procure in the committee room.

Mr. PETTUS. The depositions themselves were there.

Mr. McCOMAS. Well, if they were, they are simply the depositions taken ex parte by Mr. McGraw, of his own motion, selected from people who were his partisans. All of them are ex parte.

Mr. ALLEN. Mr. President, I would like to ask the Senator a question.

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Nebraska?

Mr. McCOMAS. I yield with pleasure.

Mr. ALLEN. I inquire if these were depositions taken on notice, or were they mere ex parte affidavits?

Mr. McCOMAS. They were taken at the instance of Mr. McGraw, who was the remonstrant, and taken at his own suggestion, without the presence of the other side, although he had notified Mr. SCOTT to appear. He took these depositions of his adherents in the legislature.

Mr. ALLEN. So that these are practically ex parte affidavits?

Mr. McCOMAS. Ex parte affidavits, without any authority of law; taken upon his own suggestion, and for his own purposes.

Mr. President, such matter is not worthy of consideration in the Senate; but because the distinguished Senator from Alabama, for whom I have very great respect and deference, has given the weight of his name and his recognized high position here to these parts of the brief of counsel, I think it becomes necessary that I should follow his example, should go beyond the record upon

which this case is to be determined, and advert to circumstances no better but just as worthy of credit as the brief of the remonstrant, so that the Senate may know that, apart from the record in this case, there was a full answer to these ex parte affidavits, that an investigation of the facts would vindicate the election of the Senator from West Virginia, which the record establishes.

But before doing so, I want to supplement the remarks of the chairman of the committee and of the Senator from Tennessee [Mr. TURLEY], so pertinent, so forcible, by reading an extract from the decision of this Senate in the case of David Turpie, the late distinguished Democratic Senator from Indiana. In that case the Republican remonstrants proffered testimony showing—

That before said alleged election—

That is, the election of the Senator from Indiana—

the senate wrongfully—

That means the State senate of Indiana—

and for the purpose of obtaining a majority for said Turpie in said joint convention declared two members, who had been duly and lawfully elected members thereof, not entitled to their seats, and declared two other persons, who had not been duly and lawfully elected, to be entitled to such seats, and thereupon seated such persons, and that this was done without right, without evidence, and without hearing or debate; and that said persons so seated thereafter were present and voted for Mr. Turpie in said convention, and that without such votes said Turpie would not have received a majority.

Here is the decision of the Senate of the United States in accepting the report and opinion of the committee in the case of Senator David Turpie, a case in which it was said that wrongfully and improperly two men were unseated without hearing, without debate, without the action of the assembly, and two others seated in their places, who voted and made a majority, whereby Mr. Turpie became a Senator; and this Senate voted in accordance with the following statement:

The committee are of opinion that the facts offered, if proved, will not warrant the Senate in declaring the sitting member not entitled to his seat. There can be no doubt that the body in question was the constitutional senate of Indiana. The journals of both houses of the legislature of the State have been submitted to us. It appears that the body was recognized as the senate by the governor and by the house of representatives. Statutes to which its constitutional assent was necessary were enacted and have become part of the law of the State.

It seems to us, therefore, that like decisions by the senate and house of the West Virginia legislature are final; and, as is said in the report of the committee and by the Senator from Tennessee, this is the finding of the body in the State legislature which had the power to find, to deliberate, to decide, and to declare; and that decision is binding upon us. But not only in this Turpie case, which was so well argued by the Senator from Colorado in support of these views, but in other cases the same point has been so decided again and again by this Senate.

In the case of the legislature of West Virginia, it appears, as it did not appear in Indiana, that in each case decided the matter to be decided was submitted, by the senate and the house, to a committee and acted upon by a committee, with how much or how little deliberation the journal can not show.

I grant the time was short; but all the forms to indicate deliberation were observed, and we may presume that the legislators there, as elsewhere, performed their duties. The committee reported back to the senate and to the house these matters, and in each instance there was a majority and minority report; and the assembly in each case, in either branch, voted and decided. That decision is a finality in each case; it is not reviewable by the Senate of the United States. The lawful houses of the general assembly of West Virginia had their power, exercised their authority and their function, and performed their office. It was original, exclusive, and final as to each decision upon the election returns and qualifications of its members.

Now, Mr. President, I call attention to a few facts in this case not in this record, but, I submit with great deference to the distinguished Senator from Alabama, as pertinent, as well founded, as worthy of credence as these other ex parte statements of these various witnesses, whose depositions have been made a part of the brief of the attorneys and now so forcibly argued here in behalf of the remonstrants.

The junior Senator from Alabama has gone outside of the case before the committee and based part of his remarks upon ex parte depositions printed as part of the brief of the remonstrants. This would not be evidence anywhere for any purpose. What I now say is relevant, but also ex parte and not in the record of the case before the Senate; but it is stated upon information quite as credible as that in these printed depositions. It is matter which would appear if the committee had considered those ex parte affidavits.

When the polls closed on election day in November, 1898, and the election officers certified the result to the county courts of the various counties and sent the ballots cast, sealed up, to the clerks of courts of counties in West Virginia, this was the result:

In the senate 17 Republicans and 9 Democrats were elected; in the house of delegates 36 Democrats and 35 Republicans were elected; therefore on joint ballot there was a Republican majority of 7.

If there was a conspiracy, which the junior Senator from Alabama says was engaged in by the Republican governor, secretary of state, attorney-general, and collector of internal revenue, there was a more daring conspiracy on the other side to defeat the election of a Republican Senator by unseating Republicans to obliterate their majority of 7 on joint ballot, and the chief conspirator was the Democratic candidate for United States Senator, who presents these affidavits. These Democrats not only attacked the right of the two sitting senators, Pierce and Getzendanner, to retain their seats. They sought to deprive eight Republican members elected of their seats in the house of delegates, viz: Dunnington, of Lewis County; Brohard, of Taylor County; Via, of Monroe County; Spencer, of Roane County; Cutright, of Upshur County; Scheer, of Preston County; Redmond, of Mason County, and Legge, of Marshall County.

Then it was that the secretary of state and the collector of internal revenue, who were chairman and secretary of the Republican State committee, sent out notices and employed attorneys to defend the seats won by their party at the polls. Then it was that Governor Atkinson telegraphed Mr. Pritchard, an old friend of his who was in a small minority in a large vote, and who it was claimed by his friends had been elected, to file his contest in time and before the last day to save his right and to notify him that he would be saved from the costs and expenses of a contest, if one should be made.

In the case of Via, the circuit court of the State, after a hearing, decided that he was elected from Monroe County. His competitor appealed to the supreme court, but the case was not there heard, and the Democratic house unseated Via and seated Logan, his Democratic competitor. The junior Senator from Alabama gives importance to a heated expression of the attorney-general in an argument before the legislative committee protesting against the theft of Via's seat.

Dunnington had been returned elected by 25 majority in the Fourth delegate district, composed of Webster and Lewis counties. The Democrats secured a recount in Webster County of the votes. The officials were Democrats, and the result was Dunnington was counted out and Talbott, a Democrat, counted in.

In Taylor County, Brohard, Republican, had received 81 majority.

The ballots were not well guarded in the court-house and upon a recount at the instance of Mr. McGraw, in this his own county, in precinct after precinct Republican ballots were found with the name of Brohard erased by the marking of a purple-blue pencil, not such as was used in the election booths of that county on that election day, and it is alleged that in the same handwriting in different precincts in place of the name of Brohard was written the name of his Democratic opponent, Dent. Election officers protest that no such marked ballots and no such ballots in the same handwriting had appeared when they counted and returned them. By these ballots a majority of 22 for Dent, Democrat, was substituted for a majority of 81 for Brohard, Republican.

The case of Brohard I believed, as the Senator from Alabama believed, ceased with the compromise in the legislature; but in the same county the Republican member elect of the county court procured his appeal and obtained his seat, though the case involved the same circumstances as Brohard, who lost his in the legislature. Here is the decision of the supreme court of West Virginia saying that Dent was not, but that Brohard was, entitled to the certificate of election. This was, however, too late to save Brohard.

I do not believe that when the Senator from Alabama made his statement he knew—I did not know until yesterday—that the matter had gone to the supreme court of West Virginia, and that the supreme court of West Virginia, after this contest for Senator, after the legislature had gone by, in due course, came to review this contest proceeding of Brohard and Dent and decided that the member of the returning board, Means, who had issued the certificate to the Republican, Brohard, had done his duty; that he had followed the returns of the canvassing board; that upon the face of those returns, as a member of a canvassing board, he was bound to give the certificate to the man who appeared on the face of the returns to have been elected.

That is most familiar law, but violated in West Virginia until, too late to keep Brohard in his seat, the supreme court reminded Mr. McGraw and his attorneys in this proceeding of this theft of one seat from Taylor County, where the remonstrant lives.

Chief Justice Brannon declared that Brohard was entitled to the certificate and he was entitled to the seat on the certificate issued to him in Taylor County.

Mr. PETTUS. I will ask my friend the Senator from Maryland, if he will allow me——

Mr. McCOMAS. Certainly.

Mr. PETTUS. Has he not got slightly out of the record, and is he not commenting on things we never heard of before?

Mr. McCOMAS. I am going quite out of the record. I am following the same inquiry as my honored friend the Senator from

Alabama. I said that I had confined myself yesterday in the statement of this case strictly to the record, but when the able Senator from Alabama went outside of the record to the brief of remonstrant's attorneys, I desire to bring to the notice of the Senate matters outside of this record, relating to the same questions treated in these ex parte depositions, and I believe as well founded as those statements. If I go outside of the record and do not rely upon mere statements of counsel in a brief, I may be pardoned for giving to the Senate a decision of the appellate court of West Virginia upon the very proposition argued by my distinguished friend the Senator from Alabama, and where Chief Justice Brannon declared that Brohard was entitled to his certificate, should have had his certificate, and should have been seated thereon.

It is true I am going outside of the record, but it seems to me the adjudication of the highest court of West Virginia, which declared that Brohard, whose vote was taken from him by the terms of this agreement, was entitled to his seat, the certificate, and his vote until ousted on the merits, should have great weight with the Senate, even though not in this record; much more weight than the matter in the brief of counsel for the remonstrants, which is also not part of the record. I proceed.

I am credibly informed that the grand jury investigated this ballot fraud in Taylor County, and that the sudden death of the officer who was the custodian of the ballots stopped further proceedings.

The junior Senator from Alabama discusses the contest of Morris *vs.* Kidd for a seat in the senate. I am informed that this contest was bona fide and instituted because out of a total of 6,603 ballots 386 were rejected by election officers in Wood County, and that most of these ballots were rejected for trivial defects, such as the omission of one clerk's name, or for the failure to draw the line on the tickets not voted down the whole length of the ballot. Thus the Democratic officials rejected hundreds of ballots where the intent of the voter was plain. Out of a total of over 14,000 votes, Kidd's majority was only 141; and the contest of Morris was instituted *long* before the Democrats had deprived elected Republicans of seats in the house. The Republican claim was that when all the proper ballots were counted Kidd was entitled to a majority of 163.

After the election of United States Senator the senate committee went to Wood County, and the result was that upon a recount of the 386 rejected ballots Kidd had a net gain of 70; but the contest proceeded no further, and thereafter Kidd was speedily seated. It appears that the Republican senate's example was not followed by the Democratic house, which unseated Brohard, who was elected.

The agreement I have already stated, and the agreement whereby strife was ended and the election of a United States Senator made peaceably I have already commented upon. I have shown that its immediate result was to give a net advantage of 1 vote to the Democrats by excluding Morris, Republican, from voting for United States Senator.

The record shows that independent of this there was a Republican majority of 2 on joint ballot without any such agreement, so that if all the Republicans voted for the candidate for the Senate, a Republican would be elected. This fact disposes of the argument of the junior Senator from Alabama that Republicans were seeking a fraudulent majority by fraudulent means. Why should they, when they already had a conceded majority of 2 on joint ballot if they could poll all their own for their caucus candidate? And they did poll all but 1, Halptenstal voting for Judge Goff. Still Mr. SCOTT had a majority of 1, and but for this agreement he would have received the vote of Morris, which was cast for him the day before, and he would have had a majority of 2 on joint ballot.

The Senator from Alabama is mistaken in his inadvertent statement in saying two would not have voted for Mr. SCOTT, for all the senators voted for Mr. SCOTT. Whitaker, of the senate, and Asbury, of the house, were both absent on the first day, but both were present in the joint assembly and voted for Mr. SCOTT. This was the reason that the vote on the first day was 46 to 46, as the junior Senator from Alabama states, but the return of Whitaker and Asbury increased the vote of SCOTT to 48, and the Senator from Alabama is thus in error in using the absence of two members as indicating some fraudulent proceeding.

Upon the record it is plain that the election of the junior Senator from West Virginia was peaceful, fair, and is valid.

If we go outside the record with the Senator from Alabama the well-attested facts tend to show that had it not been for a partly successful conspiracy to defeat the results of the elections at the polls by partisan contest, had Brohard, Via, and Dunnington been given the seats to which they were elected, the junior Senator from West Virginia would likely have had a majority of 5 instead of 1 over all.

Whether or not if the contest had been prosecuted to a conclusion Mr. Kidd or Mr. Morris would have been seated I do not know, but it is just to say in the case of Mr. Kidd, whose seat was contested by Morris, after the election of United States Senator the committee in charge of this contest did proceed with the inquiry, and they investigated the vote in one county. In Wood County, as I have said.

Mr. PETTUS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maryland yield the Senator from Alabama?

Mr. MCCOMAS. I yield to the Senator from Alabama.

Mr. PETTUS. According to the depositions—that is the only way in which I spoke of it——

Mr. MCCOMAS. Yes.

Mr. PETTUS. According to the depositions the votes in that county were there at the beginning. They never did do anything more than to count those votes.

Mr. MCCOMAS. In Wood County the senate committee recounted the votes after the senatorial election and Morris gained 70 votes.

Mr. PETTUS. In that county. That is all they ever did, according to the depositions. They reported afterwards.

Mr. ELKINS. Mr. President——

Mr. MCCOMAS. I will yield for a moment on that point to the senior Senator from West Virginia.

Mr. ELKINS. If Senators will look at the report of the committee, page 300, senate journal, 1899, they will find that the vote was recounted in Wood County and Kidd lost 71 votes. I read from the record.

Mr. MCCOMAS. In this case one-half of the majority had been wiped out by the proceedings in one county. Whether or not further proceedings could have changed the election result I can not tell, and I do not know, but it does appear on the face of these proceedings that the contest was commenced in good faith, that it was prosecuted with a considerable result, in the wiping out of a majority, except about 71, in a total vote of 14,000 before the contest had proceeded further.

Should we, as now suggested, send this matter back to the Committee on Privileges and Elections, we would have an inconsequent investigation. I have traveled out of the record, as has my honorable and distinguished friend the Senator from Alabama, giving you some of the matter of proof on the other side; but I repeat, as I began, upon the record as the case is made up it is clear and conclusive in favor of the sitting member from West Virginia. The committee, with but one exception, found nothing to investigate.

But I desired the Senate to know that if we should by the mandate of the Senate in voting for this amendment take up this case to investigate irrelevant facts, we would go back to an inquiry which would do no public good, which could not change the result of the election, because it is admitted that, whatever takes place, the legislature was Republican by at least 2 majority; and under the law of this Senate we would again report in favor of the junior Senator from West Virginia. It would make a fruitless inquiry, because it would not change the result of the election.

Therefore I hope the Senate, upon the merits—and I admit in stating them I have gone outside, having followed the example of the able and honored Senator from Alabama in going outside of this record—will vote down the motion. My clear duty here, and that of every other Senator, is to vote on this case upon the record whereon it depends, and upon that record no one can successfully contend that the right of the Senator from West Virginia to his seat is not absolutely plain; that both branches of that assembly were organized; that the governor recognized them; that all the laws of that term hang upon the action of these two lawfully organized houses, all the statutes and all the procedure of government in West Virginia; that no one questions or challenges the validity of these bodies; that they in orderly fashion proceeded to examine and adjudicate these questions.

Having adjudicated them, their finding is unreversable and unreviewable here. And yet had they gone further into the facts I have simply suggested, it might have increased the majority of the Senator from West Virginia. They could in no wise have defeated him or his majority of 1. They might in just fashion, perhaps, have increased his majority to 6; and as all of the committee have decided that vague proffers of testimony which could not help the matter should not be investigated, I with confidence appeal to the Senate to vote down the amendment of the Senator from Alabama and to vote promptly in favor of the resolution of this committee, in which all concur except the honored Senator from Alabama, and vote that the junior Senator from West Virginia is entitled to and should retain his seat for the term of six years from the 4th of March, 1899. I ask for a vote.

Mr. MORGAN. Mr. President, both of the honorable Senators who have argued this question here to-day have talked about going outside of the record, and have seemingly attempted to keep themselves inside of a certain record here which does not appear before the Senate at all. This is a motion now to recommit this case to the Committee on Privileges and Elections, as I understand it, for the purpose of bringing up the record; for the purpose of having

an investigation upon evidence aliunde, for the purpose of laying before the Senate of the United States the real facts in this case; not those that have been put on to a patched-up record, dressed for the occasion, but those that actually occurred and have passed under examination, upon oath of men who are supposed to be, and I believe are, alleged to be reputable. On a motion of that kind we do not get outside of the record at all by referring to these facts, and I am embarrassed in arguing this question before the Senate because the facts are not here.

Here is a motion in the nature of certiorari to bring up the complete record, and there is nothing now presented to this court, as it is called, to enable us to determine whether or not that writ ought to be allowed and sent down to this committee to bring back the record in full.

Mr. ELKINS. Let me interrupt the Senator from Alabama. What record does the Senator refer to?

Mr. MORGAN. These depositions.

Mr. ELKINS. The depositions?

Mr. MORGAN. Yes.

Mr. ELKINS. There were no depositions taken in this case by authority of the Senate.

Mr. MORGAN. I understand precisely the technical remark of the Senator from West Virginia. They are depositions sworn to before competent officers.

Mr. ELKINS. I understand the Senator wants these ex parte affidavits.

Mr. MORGAN. I am not sticking in the bark. I am trying to go right to the center of the subject.

Mr. ELKINS. I thought the Senator meant regularly taken depositions.

Mr. MORGAN. No; I do not mean anything except those sworn statements made before competent officers, upon which I dare say an indictment for perjury would lie. Whether it would or not, the moral question is all the same.

Now, sir, we are trying to get at the facts. I am trying to understand, in supporting the motion of my colleague, what the facts were that were aliunde, outside of this record, as it is called. I would be entirely justified in making such a motion upon my meager knowledge of the case, and I intended to make it. I would be justified by the fact that both of the reports here—the report of the majority of the committee and the report of the minority—expressly refer to these facts aliunde and quote them and use them on both sides as evidence material and important in the determination of this question whether or not Mr. SCOTT is entitled to his seat.

Now, when the committee itself goes outside of the record made in the legislature of West Virginia and brings in facts aliunde and makes them a part of the report, both for and against seating Mr. SCOTT, then of course the balance of the Senate wants to know, Are those all the facts that bear upon the question? You open the door; you go and make inquiry outside the record, and you propose to stop it just at convenience. We say "No; inasmuch as you are here before an appellate court, or rather a superior court, bring up your case for trial."

It never was intended, sir, to try this case in the committee. The Senate of the United States is the trial court here, the tribunal to determine this question; but the committee have usurped to themselves the right, after quoting a part of the facts aliunde, to leave the balance of them without being in reach of the Senate, unadmitted in evidence, unprinted, incapable of identification.

So, if I were trying to justify my vote in this case before my constituents and felt that it was my duty to resort to these depositions for that purpose, I could not do it; and yet I am one of the judges put here for the purpose of trying this case. I have to render a verdict upon a partial statement, not upon the whole record. I have to render a verdict upon those parts of the case which the Senators who make these respective reports see proper to select, and not upon the whole case; and that is not right.

This committee ought to be required, and every committee of this body ought to be required, to bring before this tribunal the evidence offered in committee, whether it is rejected or whether it is received, for they are not the judges whether it is right to reject it or to receive it. They are the judges of their own opinions and their belief about it, but they are not the final judges of the question, and therefore we are entitled to all of this testimony.

Mr. President, this is a very important matter. It will not do for the Senate of the United States to go before the people of this country as smothering inquiry into the facts which surround this transaction. That is their attitude here to-day. The majority of the committee put us in the attitude of smothering inquiry, cutting us off upon a question of law, upon a question that it is their opinion that at least not all but a part of the evidence aliunde is inadmissible. A part they say is admissible, but the balance of it not. We are unable to discriminate between the parts that are omitted from this report and the parts that are included and made the subject-matter of discussion and judgment also. Now, it will not do for the Senate of the United States to go before the country with any such record as that. We will be accused, and justly, too, of smothering the facts in this case for the convenience either of ourselves or of somebody else. I do not want the Senate put in any such shape as that.

Sir, this country is very rife and anxious, on the tiptoe of anxiety and expectation both, in regard to changing the organic, fundamental law of the United States in respect of the choice of Senators. It is objected all over the country that Senators ought to be chosen in all of the different States by direct vote of the people, and that proposition has passed the House and been sent to the Senate and is now before the committee. It is here by a vote of nearly all of the vast body of legislators in the other end of the Capitol, nearly the whole body voting that we ought to unite with them in carrying a two-thirds vote in this body, so as to submit to the different legislatures of the United States the direct question whether or not Senators are to be chosen by the people.

There never was a graver proposition presented to any body than that. It enters into the very organism of the Government. It ought not to be attended with any sort of feeling or any sort of excitement that would cause the people to come to a hasty or inconsiderate or incorrect conclusion. I repeat, Mr. President, there never was a more solemn, serious, dangerous question presented to this body than that. Without going into the argument of it at all or suggesting the various directions in which this question is solemn, serious, and dangerous, I will just cite one, if you please. It is applicable to my own State, and I have a right to make it.

Until the suffrage question in the South is put upon a permanent basis we had as well cut our own throats as to carry the question of the election of Senators by the people before the body of electors in the South. We had as well burn our houses and destroy our farms and run out of the country. We have never yet encountered any trouble or danger or irritation equal to those that would instantly arise whenever, in the State of Alabama, for instance, or in any of the other Southern States, a Senator of the United States was to be chosen by direct vote of the people. Until that question is settled in some form or other consentively by the people of the United States, and permanently, so long as I have the honor to remain on this floor I will resist any change in the organic law. I am bound to do it to save the rights of my people.

Now, Mr. President, how much weight are we adding to the argument in those States that are not troubled with these difficulties which my State has? When the people are heard to say, as they will say, the Senate of the United States judged of an election in West Virginia by the legislature, and in order to keep the facts from the country and in order to prevent a decision of this case upon its honest, actual merits, in order to shelter themselves under and escape into pure, cold technicalities, have suppressed depositions taken, if not according to law, after the forms of law, depositions of many men following up a report, a signed report of more than a majority of both houses of the legislature of West Virginia, that the particular election in hand was a fraud upon the State and the people, the Senate of the United States refuses a motion to bring up the record and insists upon deciding this case upon a narrow, cold technicality.

We can not, sir, afford to assume such an attitude toward this great question at this time. We had better hesitate about this matter. We had better send this case back to that committee and ask them to send up all the record here, so that the Senate can determine upon an examination of it whether it is relevant or irrelevant. We had better not force matters to a conclusion here to-day upon this proposition pending a motion to bring up all of this evidence from the committee. It is a very dangerous thing to do, Mr. President.

Now, looking at this case upon the face of it I know nothing else about it except what is presented here in these two reports. It appears to me that it is easy enough to make a statement of it that is undeniable. I will make a statement of what I conceive to be the case on one point, and that a vital point in the case; it certainly is a vital point.

Kidd was seated and sworn in the senate, Morris was put in his place and was seated and sworn, and both were prohibited from speaking or voting in the senate, for a time. This was done to enable SCOTT to carry the election for Senator, in pursuance of an agreement to that effect entered upon between five Democrats of the House and five Republicans of the Senate, which agreement was made to prevent civil commotions.

Now, sir, if that is a true statement of the facts, there is a legislative body which has been coerced. They have been coerced by apprehensions excited by a very heated wrangle, I may call it, a controversy which existed over there and at which Mr. SCOTT was present and knew all about it. That controversy involved the question of the organization of a separate legislature, the drawing out of certain members from the different houses, going off and organizing another body so that they would have had two legislatures, or bodies claiming to be such, in West Virginia.

Well, a more unfortunate situation can hardly be imagined in a State than one of these double-headed legislative establishments. There is hardly anything worse than that. If we pass by our vote to-day solemnly the declaration that that can be lawfully done by making the record to speak what it was not intended to speak and what was not the truth of the situation, we simply encourage and put ourselves on record as furnishing opportunity to such expedients as this whenever the heat of partisan politics may require it and seem to justify it. We can not afford, Mr. President, to make a record of that sort here. I have never yet heard of a judgment rendered by mortal man, unless it was by some supreme autocrat, an emperor, which could not be assailed for fraud.

Mr. CHANDLER. Will the Senator pardon a question?

Mr. MORGAN. Certainly.

Mr. CHANDLER. He is usually very clear in his statements. I should like him to be specific as to whether he holds that the report and the decision in the Turpie case were erroneous or not, because there the attempt was to assail the decision of the Indiana legislature in two cases for fraud.

Mr. MORGAN. I have not looked at that case lately, but as the Senator puts his question to me, I feel an old impression creeping over me that I did not think it was right.

Mr. ELKINS. But you voted for it.

Mr. MORGAN. Nothing is right in the sight of the American people or the Senate of the United States which forms a technicality to hold the truth in chains. Nothing is right which foists a falsehood upon the Senate. Although it may be done under the strictest formalities of a record and under seal, it is not right. The Senate ought always to feel that it has the power to break away from the false device and fasten its judgment upon the solid foundation of truth. It ought always to feel that way.

Now, here was a situation in West Virginia that was anxious, aggravated do doubt by a great deal of controversy and perhaps quarrel and friction, and it got hold of the popular mind in such a form there as to produce very great alarm. The quotations in this report show that there was a state of profound alarm there in regard to the State organism, the government itself. Both parties were involved in it. The Democrats were turning out Republicans from the house: the Republicans were turning Democrats out of the senate. Nobody knew where it was going to end. There were declarations made that blood would flow in the streets of Charleston unless that thing would stop. I do not know who was going to shed it or who ought to have shed it; under the circumstances it does not make much difference.

That was the situation, and it was a very trying one, and a very dangerous one, too. There was a means thought of to compose that situation, and that means was by an indirect and false judgment upon the records of the two houses. Now, what was that judgment? It was that out of each house a member should be removed and another put in his place, and both should be prohibited from voting for the present. It was the intention of everybody, and everybody knew exactly what it was, that these were not honest challenges of votes; that they were not sincere; that they were not intended to be carried into execution; but the judgment was made up that way. The record spoke as if it was an honest contest and that those men were actually ousted from their seats by a vote of the senate and a vote of the house, when that was not the fact.

How did they bring it about? Five members, five Democrats in the house and five Republicans in the senate, made a written agreement that these contests should be postponed until after the election of a Senator, and that such and such men should vote and such and such men should not vote. In other words, it was firmly agreed that the weight of the political parties should be so adjusted on that occasion as that Mr. SCOTT would be certain to be elected, and as soon as that election was over the gag was to be removed and these men were to have the rights that belonged to them under the constitution of West Virginia and under the oaths that they had taken to represent those people. Here, then, was a suspension of the functions of government by that legislature making a false record by an agreement entered into between ten men.

But I am answered that the record was made; what right have you to say it was a false record? I say it, Mr. President, because not intended to be true; it was not intended to remain; it was not a record of what the legislature actually did or intended to do. It was a false statement of a proposition made as a makeshift to get over a difficulty that seemed at the time to be insuperable under other conditions; that was all.

Now, we have had an investigation here and a report has been made to the Senate informally. It has not yet been printed, I believe, in full. It has cost, as was remarked on the floor to-day, thousands, perhaps hundreds of thousands, of dollars, great public scandals and anxiety, and all that. Character has been handled about here without the slightest deference or pity, or mercy, or anything of that sort, pro and con, and the effort of the Senate has been to find out whether the legislature of Montana was corrupted. I do not know whether the report shows that it was or was not; I do not know whether the report shows that some individual was concerned in corrupting it or not, for I have not read it; I do not know. But I know that those are the issues presented in that case.

Here is the action of that legislature called in question. It does not make any difference about the action of the parties concerned. They might have done what they pleased and behaved never, never so badly, and yet, unless that bad action, that evil influence, is traced to and located in the judgment of the legislature of Montana so as to produce a corrupt result, of course no harm has been done to the State or the country, no matter how much its manners or its morals or its sensibilities may be wounded.

Here is the very same question presented, but in a different form. Instead of its coming here now in the form of seduction of bribery and money, it comes in the form of threat and force. Well, poor humanity is amenable to all of these things more or less; and we may sooner expect to see a community in its anxieties give way to the supremacy of a political party or its managers on account of force or the threat of force or of disasters which might be fatal or might greatly hurt the people than to see them give way to the acceptance of bribes.

But, Mr. President, the question is exactly the same in both cases. Did the legislature of Montana act contrary to the Constitution and the laws of the United States and the public policy of the people of the United States in electing a man under the influence of alleged bribery and corruption? There is the record all straight. But we go now into the character of the action itself, and whether we trace it directly or only inferentially or perhaps in a very remote way to the man who is alleged to have got the benefit of it and the certificate of election in Montana, yet there was a legislature corrupted by the use of money, performing an official act under the influence of that corruption which we set aside because it is fraudulent and wrong in every moral sense.

That is the whole story in the Montana case. What is the difference between that and the case in West Virginia except that money was not used in the latter, but artifice, influence, chicanery, all manner of bargaining, threats? All these things were used. The record shows it. Enough appears on the record here now to show it My colleague, in the mere analysis of the agreement itself, proved that there could be nothing else true of the whole business except that the legislature of West Virginia had yielded to a condition of affairs induced there by the ruling and leading politicians, which threatened the peace of that sovereign State.

Now then, can we not go into that record for the purpose of finding out whether that judgment spoke the truth, or whether it was influenced by these outside facts, some of which appear in the reports, and others of which are held back and not shown to us at all?

Mr. President, we can not afford to shut our eyes to this condition. The Senate can a great deal better wait for a few days and have this committee bring up the evidence here than it can afford now to shut the door of inquiry and say, we stand upon the record, when that record is challenged here solemnly, for fraud and wrong, in the Senate of the United States by the report of the minority, and also by an argument which seems to be justly based upon the facts presented on the face of the record.

Mr. McCOMAS. Now, Mr. President, the majority in their report were accurate in their statement. The case was submitted upon the memorials, the journals of the two houses, and agreed statement of facts, which included this signed agreement which the Senator from Alabama has just discussed, and upon certain concessions of counsel at the hearing. Upon that the committee proceeded.

But before they proceeded the memorialists and their counsel were requested to make specific proffer of either fraud or intimidation in respect of any step in this election of a Senator by the joint assembly. This was never given, and the only matters which were suggested by counsel, who seemed powerless even to make a proffer of evidence, are the vague statements in these rambling ex parte depositions.

It must be said that the senior Senator from Alabama [Mr. MORGAN] is quite wise when he says that he has simply skimmed over the face of the matter, because with his habit of thought, if he had searched these depositions and then found that the persons failed to make a proffer of the fraud or intimidation, he would say it would have been unworthy of the Senate that this committee should have wasted public time without some more significant evidence.

The only surprise and the only qualification I make is that if the able and distinguished colleague of the Senator from Alabama had not differed from the rest of the committee, I should have felt that he on this matter would have said it would have been a waste of public time to investigate such vague statements.

It will not do to call these ex parte depositions taken by Mr. McGraw parts of this record. It required the great ability and

the earnestness of the junior Senator from Alabama [Mr. PETTUS] to make these matters appear serious.

He is sincere about them; he is earnest about them; but when we look over these affidavits again and find how little there is, my great puzzle is that the honored Senator from Alabama—the colleague of the Senator who last addressed the Senate—should have given so much importance to them; and I am confirmed in my impression when I find that seven Senators on the committee concur with me in that judgment. That we did investigate fully, thoroughly, leaving nothing uninquired into which was worthy to investigate, and having done so, upon the undisputed facts, we found the resolution in favor of the election of the junior Senator from West Virginia.

Mr. MORGAN. The Committee on Privileges and Elections, like every other committee of the Senate, is not a judicial body. It does not pass any final judgment at all. It is the report of an investigation, and they have not any right to pass any final judgment except to express their opinions: and we are very gratified that they are usually so able and so well grounded. This is like a case sent by a chancellor down to a master to investigate the facts and make a report and proof. That master does not undertake to say to the chancellor, "I would not send up certain proof here before your honor for the reason that I had the right to decide this case myself, and my judgment is that that evidence which was offered by this plaintiff in the case down here was very improper, very irrelevant, and therefore I would not send it up."

Now, that party had the right to have all that evidence brought up to the court. This is the court. This court has not heard any of those depositions. This court does not know whether that is shown in those papers. The committee have cut them off, and insist peremptorily that their judgment upon that proposition shall be final and conclusive, conclusive against this court and conclusive against the party. That is the situation exactly. How can we do that?

The Senator evidently finds a very strong analogy between this and a trial of a cause in a court. He does not choose a certain bill of exceptions which contains a certain statement of fact because it is entirely irrelevant in his judgment or it might not have been offered in due form or there might have been a stipulation of counsel. Now, Mr. President, I want to object right here to the counsel before the Committee on Privileges and Elections or any other committee in this body having the right by a stipulation to cut the Senate off from an investigation of the facts in the case. We have got no counsel here that I know anything about. We have got no licensed and authorized advisers of our committees, authorized by law to go there and pronounce opinions like a judge-advocate in a court-martial. We have not anything like that. When counsel are admitted, they are all mere representatives, the mouthpieces of the parties who choose to employ them, and they get the permission of the committee to go there. But, sir, they have not any right to undertake by a stipulation to put certain facts in the case or keep certain facts out of the case, where those facts are questioned or where the absence of those facts is thought to be a matter of some importance by those concerned in the case. And I object to that.

I noticed that part of the report about the stipulations of counsel; I heard the remarks of the honorable Senator from Maryland upon them. They would have been very apt, indeed, in a court of nisi prius, perhaps, or in an appellate court; but this is a court, Mr. President, of first instance; this is a court which tries this case from the bottom up. We have got a right to have every fact that any Senator thinks is material to this case that was offered to the committee or was in the reach of that committee, or which may be brought before this body for consideration. That is all I have got to say about it.

Mr. MCCOMAS. Now, Mr. President, if there be no further remarks, I ask for a vote upon the amendment and the resolution.

The PRESIDING OFFICER (Mr. HANSBROUGH in the chair). The question is on the motion made by the Senator from Alabama [Mr. PETTUS].

Mr. ALLEN. Let it be stated.

The PRESIDING OFFICER. The motion of the Senator from Alabama is to recommit the resolution to the committee with instructions, which will be read.

The Secretary read as follows:

That the resolution and report be recommitted to the Committee on Privileges and Elections, with instructions to investigate the case fully by all such legal evidence as may be presented to them.

Mr. BACON. Mr. President, I merely wish to say a word. I would not be willing by any vote of mine to appear to be put in the position of closing the door to any proper investigation, and therefore I want to state the reason which will influence me in my vote.

I understand the proposition of the majority of the committee, as stated by the Senator from Maryland [Mr. MCCOMAS] and the Senator from Alabama [Mr. PETTUS], to be this: That if all the charges with reference to the various individual legislators in the legislature of West Virginia are true, the committee enters a demurrer that, if true, they are not matters which can affect the judgment of the Senate, for the reason that they are matters within the control of the West Virginia legislature; not matters to be determined by the Senate. I ask the Senator from Tennessee if I am correct in that statement?

Mr. TURLEY. Mr. President——

Mr. MCCOMAS. Will the Senator allow me?

Mr. BACON. If the Senator from Maryland will answer, it will be satisfactory.

Mr. MCCOMAS. Mr. President, if the Senator from Georgia so understood me, then I did not understand myself. I do not think that what he says is accurate or correct. We heard every bit of matter that appeared to be appropriate. We simply held that as to the senate and house of delegates of West Virginia, they having jurisdiction in respect to the election of their own members, their final action was conclusive and not reviewable by this Senate; and in respect of vague suggestions of wrongdoing by A or B, we asked that counsel should proffer something which would be proved by somebody, and counsel failed to make any proffer of any evidence they might offer to sustain this statement; and when they were not clear, distinct, and specific, when they declined to make any proffer whatever, the committee, with almost unanimity, said there was nothing to investigate in respect to those matters.

Mr. BACON. Well, Mr. President, I possibly understood the Senator from Maryland better than he understood me. It may be that I was not felicitous in my expression. Of course I understood that there were other matters than the simple one involved in the question relating to the exclusive jurisdiction of the legislature of West Virginia.

Mr. MCCOMAS. For instance, if the Senator will allow me——

Mr. BACON. I hope the Senator will pardon me for a moment in order that I may complete my statement.

I understood from the Senator from Maryland, both in his argument and in his now repeated statement, that there were matters which the committee did not deem to be proper that the Senate should go into, which related to questions within the exclusive jurisdiction of the legislature of West Virginia; and that, therefore, they did not go further into those investigations, because such investigations would be profitless. If they were matters within the exclusive jurisdiction of the legislature of West Virginia, for instance, the question as to whether or not a legislator who had accepted a commission in the Army—that question having been passed upon by the legislature of West Virginia—I understood the committee to take the position that that was a question which could not now be again passed upon by the Senate of the United States.

Mr. MCCOMAS. That is true.

Mr. BACON. I use that simply by way of illustration. The same principle, as I understand, was applied to all other questions which were raised as to the competency of a legislator to vote where that question had been passed upon by the legislature of West Virgina. If I am correct in my understanding of the Senator's statement in that regard, I am very free to say as a proposition of law I believe it to be sound.

I only rose for the purpose of freeing myself from the slightest possible imputation of any design or wish to shut off any proper investigation. In other words, according to the report made by the committee, as I have read it, I understand the proposition to be one of sound law—that these matters having been so decided, further investigation can not possibly be justified.

I only make this statement because I believe in the utmost latitude of investigation. It is my understanding that the legal propositions involved have been stated by the Senator from Tennessee [Mr. TURLEY] and the Senator from Maryland [Mr. MCCOMAS], and so I shall vote against the amendment offered by the Senator from Alabama [Mr. PETTUS].

Mr. CHANDLER. Mr. President, there should not be any mistake in the minds of Senators about what took place before the committee. The counsel were notified to be present. The chairman stated:

The committee is now ready to proceed. There are sundry papers before the committee which I will read. On the 14th of December both sides entered into the following agreement.

That agreement was stated. Everything that was before the committee was stated in the presence of the counsel before they began their argument. This statement was then made:

The committee has not taken any action whatever in the face of these various papers. The object to-day is to hear freely argued the merits of the respective sides, and if after such argument the committee deem it necessary to justice and a proper investigation to take testimony, it will so decide.

A further statement was made to counsel——

Mr. ALLEN. May I interrupt the Senator for a moment?

Mr. CHANDLER. Not until I read this sentence, and then I will yield to the Senator.

The chairman then stated:

Then, in arguing in an informal way the merits of this case (we will hear both sides on the merits of the case), you may state what testimony you think should be brought before the committee in addition to what is now before us.

Full argument was made on those conditions; and after argument had been fully heard and the counsel had stated everything which they knew or imagined by any possibility could be proven to the committee, the committee concluded to make no further investigation, but to decide the case, as they have decided it, with one dissenting voice, upon the testimony which was then before the committee.

Now, I should be glad to answer any question the Senator from Nebraska may wish to put.

Mr. ALLEN. I wish to submit an observation in my own time.

Mr. CHANDLER. Then the Senator does not wish to ask me any question?

Mr. ALLEN. When the Senator is through.

Mr. CHANDLER. I thought the Senator wanted to ask me a question.

Mr. ALLEN. I have changed my mind.

Mr. CHANDLER. It is a judicious mind that the Senator employs.

Mr. ALLEN. The question which I desired to put to the Senator from New Hampshire—I was satisfied he was well prepared to answer it—was this: Is it conceded that the legislature from which the sitting member received a certificate was the de jure legislature of that State? Is that a conceded fact?

Mr. CHANDLER. There is no dispute about that.

Mr. ALLEN. If there is no dispute about that, then that ought to settle the question, Mr. President. There ought to be no running off into the brush and talking about affidavits and small technicalities and irregularities, because if that was the de jure legislature or even the de facto legislature of that State; if it was not a revolutionary body or an illegal body, then whatever that organization did in respect of the election of a Senator of the United States is conclusive upon this body, and I do not see how there can be any dispute about it.

Of course, Mr. President, the line of demarcation ought to be plain, and I think it is plain. If the de jure legislature had been overthrown, entirely driven out, for instance, at the point of the bayonet, or by violence, or completely overcome by fraud and destroyed, and a revolutionary body had been instituted in its place, which had elected a person who came here bearing the certificate of the governor, I think clearly the Senate of the United States would have the power to, and ought to, inquire into and to determine that question. But when his title comes through the de jure legislature, however irregular its proceeding may have been, and the governor certifies to his election, that question is solely within the jurisdiction of the State, and concludes the Senate of the United States.

The question of the right of the Senate to pass upon the election and qualifications of a Senator does not carry with it the right to go into all the minor details of regularity or irregularity. The qualifications which a Senator must have to permit him to occupy a seat in this body are the qualifications prescribed by the Constitution, and no others. All other qualifications—whether he has the ability, whether he has the character or the standing to represent a particular State in the Senate of the United States—are exclusively within the jurisdiction of the legislature of that State; but that he must have the requisite age, that he must have the other constitutional requirements, is within the jurisdiction of the Senate of the United States; and I have assumed all the way through, and I am going to vote upon that supposition, that the occupant of the seat from West Virginia comes here by virtue of the election of the de jure legislature of that State, properly certified by the governor.

Mr. TELLER. Mr. President, this case is on all fours with the case that was decided in 1888 from Indiana. There is scarcely any difference in the legal status of the two cases. In this case the senate of West Virginia was Republican, and in the Indiana case it was Democratic. The house in the Indiana case was Republican and in the West Virginia case it was Democratic. Each house did practically what has been done in this case. The Democratic senate removed a Republican and put a Democrat in his place, and the Republican house removed a Democratic member and put a Republican in his place.

The Senate committee then held, and the Senate indorsed it, that the position taken just a moment ago by the Senator from Nebraska [Mr. ALLEN] was the correct one. There was a legislature of the State of Indiana and there was a controversy in respect to the speakership of one of the bodies. That, however, clearly did not affect the contest. It was held then by the Senate that there had been a valid election. It was so held, as I understand, upon the ground that it was not a de facto but a de jure legislature; that it was a legal legislature when it convened. Both bodies exercised the constitutional right to determine who were members. It was claimed that the members of each body in exercising that right had gone beyond what they should have done. It was then decided, I think by a very large majority, that that was not a matter for the investigation of the Senate of the United States.

Of course, Mr. President, I distinguish between a case of that kind and the one which has been suggested here of revolution. There may be a case, as the committee have said, where it would be very proper for us to go into an examination, but that would be done on the theory, as I understand it, that there was really not any legislature at all. A regular legal, constitutional legislative body can not destroy—at least we can not assume that it can not destroy—its character by the exercise, even if it makes a mistake, of a function that can not be questioned which is submitted to it by the constitution of the State and by the general law governing legislative bodies in this country; nor, as the Senator from Maine [Mr. HALE] suggested to me, by bad behavior.

The legislature may do what we condemn, what we think is not good administration; but at the same time that does not justify this Senate in assuming the functions that the constitution of West Virginia or the constitution of any other State has left with the legislative body of the State.

I do not see, Mr. President, if all that has been said here by the junior Senator from Alabama [Mr. PETTUS] were true, how we can resolve ourselves into a body to determine what has been determined by the house and the senate of West Virginia, upon the theory that they were mistaken in their finding, or that they were not fair in their finding. So long as the conditions existing there left a legal legislative body capable of electing a Senator, and, as the Senator from Wisconsin [Mr. SPOONER] suggests, having jurisdiction to decide all these controversies—and they have decided them—there is no provision made anywhere for an appeal from that finding, whether it was right or not.

It seems to me that this case has been determined not only by the decision in the Turpie case and by the decisions in several other cases, but it must be determined upon the general principle that we are not authorized by the Constitution to make this inquiry. Therefore, if this resolution should be sent back to the committee, it seems to me that we would not be justified in subpœnaing witnesses and going into a further examination of this case.

The PRESIDENT pro tempore. Is the Senate ready for the question?

Mr. PETTUS. Mr. President, I hope it will not be insisted on that the vote shall be taken to-night. There are other Senators who desire to discuss the question.

Mr. McCOMAS. I suggest to the Senator from Alabama that the hour is early and the Senate is quite full. Senators are here. We ought to have a vote this evening; it seems to me, and I trust the Senator will not object.

Mr. PETTUS. Is it your purpose to cut off further debate?

Mr. McCOMAS. Of course not. If the Senator from Alabama desires further debate on his part, I do not ask for a vote.

Mr. PETTUS. Certainly I expect to reply to some of the things which have been said about this case.

Mr. McCOMAS. I had hoped that we might get a vote this evening.

Mr. PETTUS. I did not suppose you would try this case just like you would an action——

Mr. CHANDLER. If the Senator from Alabama wants to debate the question further and is not ready to go on now, although it is not late in the afternoon, we can let this subject go over until to-morrow and do some other business.

Mr. LODGE. There is a bill assigned for to-morrow.

Mr. CHANDLER. Perhaps we might agree upon some time to-morrow when we may take the vote. I ask that the vote may be taken on this resolution to-morrow at 3 o'clock.

Mr. PETTUS. I will object to that. Why this indecent haste about this case?

Mr. CHANDLER. Will the Senator name a time when he thinks we can agree to vote upon this case?

Mr. PETTUS. No; I will not, because I do not know what Senators desire to speak.

Mr. CHANDLER. The Senator objects, does he?

Mr. PETTUS. I do.

Mr. JONES of Arkansas. I suggest to the Senator from New Hampshire that it is unusual, not to say extraordinary, to refuse to extend the usual courtesy to the Senator from Alabama, who has made a request. It seems to me there ought to be no conditions about it.

Mr. CHANDLER. If the Senator from Arkansas will allow me, in the first place, I extended the courtesy; secondly, I made no condition; and thirdly, I asked unanimous consent, when the Senator from Alabama said it was indecent haste to ask for unanimous consent. The Senator from Arkansas knows very well that it is not.

Mr. JONES of Arkansas. If the Senator from New Hampshire has agreed that the case may go over on the request of the Senator from Alabama, of course that settles it.

The PRESIDENT pro tempore. Is there any objection to the case going over until to-morrow? The Chair hears none, and it is not now before the Senate.

CIVIL GOVERNMENT FOR ALASKA.

Mr. CARTER. I ask the Senate to now proceed to the consideration of Senate bill 3419, known as the Alaskan bill.

Mr. CLAY. Will the Senator from Montana yield to me that I may ask to have a bill taken up that will not lead to any debate? It can not possibly do so, I think.

Mr. CARTER. When the Alaskan bill shall have been taken up, I will yield to the Senator.

The PRESIDENT pro tempore. The question is on the request of the Senator from Montana that the Senate proceed to the consideration of what is known as the Alaskan bill. Is there objection? The Chair hears none, and the bill is before the Senate.

Mr. CLAY. I ask the Senator from Montana to now yield to me.

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Georgia?

Mr. CARTER. I yield to the Senator.

BRIDGES OVER OCMULGEE AND OCONEE RIVERS.

Mr. CLAY. I ask unanimous consent that the Senate proceed to the consideration of House bill 10097.

The PRESIDENT pro tempore. The Senator from Georgia asks unanimous consent for the present consideration of a bill which will be read in full for the information of the Senate.

The Secretary read the bill (H. R. 10097) to authorize the Atlantic and Gulf Short Line Railroad Company to build, construct, and maintain railway bridges across the Ocmulgee and Oconee rivers within the boundary lines of Irwin, Wilcox, Telfair, and Montgomery counties, in the State of Georgia; and by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARMY APPROPRIATION BILL.

Mr. HAWLEY. The Senator from Montana [Mr. CARTER] has kindly yielded to me that I may change a notice heretofore given. I gave notice yesterday that I should ask the Senate to consider the Army appropriation bill to-morrow; but I have been so urged to put off its consideration that I have yielded, and now give notice that I shall call up the bill on Monday next.

FESTUS DICKINSON.

Mr. BATE. I ask permission of the Senator from Montana to call up House bill 2331. I am sure there will be no debate about it.

The PRESIDENT pro tempore. Does the Senator from Montana yield?

Mr. CARTER. I yield for the purpose of this bill.

The PRESIDENT pro tempore. The Senator from Tennessee asks unanimous consent for the present consideration of a bill, which will be read in full for the information of the Senate.

The Secretary read the bill (H. R. 2331) granting an increase of pension to Festus Dickinson; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Festus Dickinson, late captain's clerk, United States Navy, war with Mexico, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FLOUR INSPECTION IN THE DISTRICT.

Mr. KENNEY. I ask unanimous consent for the present consideration of Senate bill 4048. It is a very short bill, and is to correct an obvious oversight in the act for the inspection of flour in the District of Columbia, which was approved December 21, 1898.

The PRESIDENT pro tempore. The Senator from Delaware asks unanimous consent for the present consideration of a bill, which will be read in full for the information of the Senate.

The Secretary read the bill (S. 4048) to amend an act regulating the inspection of flour in the District of Columbia, approved December 21, 1898; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to strike out the last clause of section 6 of the act entitled "An act regulating the inspection of flour in the District of Columbia," approved December 21, 1898, and to insert in lieu thereof the following:

And no barrel, half barrel, or sack of flour not examined and branded by the inspector as aforesaid shall be sold within the District under fine of $1 for each and every barrel, half barrel, or sack, to be collected as other fines and penalties are collected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT OGDEN, UTAH.

Mr. RAWLINS. I ask unanimous consent to call up the bill (S. 4206) to provide for the purchase of a site and the erection of a public building thereon at Ogden, in the State of Utah.

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Utah?

Mr. CARTER. The Senator was so kind on yesterday afternoon that I feel constrained to yield to him now, with the notice that I hope it will terminate the requests for unanimous consent.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to acquire a site and cause to be erected thereon a suitable building for the use and accommodation of the United States court, post-office, and other offices in the city of Ogden, in the State of Utah, at a cost of not exceeding $250,000.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, on page 2, line 13, after the word "thereof," to strike out:

And the Secretary of the Treasury shall cause appropriate sketches, plans, drawings, and specifications and detailed estimates for the building to be prepared by the Supervising Architect of the Treasury Department.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CIVIL GOVERNMENT FOR ALASKA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3419) making further provision for a civil government for Alaska, and for other purposes.

Mr. CARTER. Mr. President, I find that certain Senators who desire to address the Senate briefly with reference to the pending amendment to the Alaska bill are not prepared to proceed at this time.

Mr. RAWLINS. I desire to submit a few remarks on that question, if I am in order.

Mr. CARTER. Then my observations are not in order.

Mr. JONES of Arkansas. Will the Senator from Utah yield to me for a moment?

Mr. RAWLINS. I yield.

HOT SPRINGS MOUNTAIN RESERVATION.

Mr. JONES of Arkansas. I ask unanimous consent for the present consideration of the bill (S. 982) authorizing and directing the Secretary of the Interior to examine certain claims of persons who owned or occupied buildings on the Hot Springs Mountain Reservation, which had been condemned by the Hot Springs commission and afterwards burned, and to fix a reasonable value thereof, and making appropriation for the payment of said claims.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment, on page 2, section 2, line 19, after the word "administrators," to strike out "or assigns;" so as to make the section read:

SEC. 2. That a sum of money sufficient to pay for such investigation and the claims so ascertained and fixed by the Secretary of the Interior be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated; and the Secretary of the Interior is hereby authorized and directed to pay to such person or persons, claimants, their executors, administrators, the sum or sums of money equal to the values so as aforesaid found by him.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WELLS C. M'COOL.

Mr. PROCTOR. I ask unanimous consent for the present consideration of the bill (S. 2788) for the relief of Wells C. McCool.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $542.50, the amount of the pay and allowances of Wells C. McCool as first lieutenant of Company I, Twenty ninth Iowa Volunteer Infantry, from December 1, 1862, to April 30, 1893, less any amount McCool may have received for pay or allowances for such period, to be paid by the proper officers of the United States to Wells C. McCool, his heirs, executors, administrators, or assignees.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CIVIL GOVERNMENT FOR ALASKA.

Mr. CARTER. I wish to state that several Senators who desire to speak upon the Alaska bill not being present at the moment when the bill was taken up, I will consent that the matter may go over until to-morrow. I wish at this time to have read to the Senate for its information certain resolutions passed by the Chamber of Commerce of the city of Seattle, which very forcefully set forth the necessity for very prompt action upon the Alaska bill.

In connection with this statement which will be read, I desire to advise Senators who may have any interest whatever in any pending amendment or prospective amendment that it is the earnest desire of all, I believe, finally to dispose of this bill in the

Senate to-morrow; and immediately on the conclusion of the routine morning business to-morrow I now give notice that I will ask unanimous consent to have the bill taken up and to continue its consideration until a vote can be reached upon the bill and amendments, which I hope will be accomplished to-morrow afternoon.

Mr. TELLER. I do not want the Senator to understand that we agree to vote to-morrow. I do not know what the debate may be. There are objectionable features proposed in this bill, and we reserve the right to continue the debate.

Mr. CARTER. The Senator's observation would apply to a request for unanimous consent, which was not preferred nor intended to be preferred, and is therefore inapplicable to the remarks I made.

Mr. TELLER. I have no desire to retard the passage of this bill beyond what is fair to get a proper bill. That is all.

Mr. COCKRELL. What is it the Senator from Montana asks now?

Mr. CARTER. I ask that the communication from the Chamber of Commerce of the city of Seattle may be read for the information of the Senate, whereupon I contemplate withdrawing the bill for the evening.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

To the chairmen and members of the Committees on Territories in the Senate and House of Representatives.

GENTLEMEN: It having come to the knowledge of the Seattle Chamber of Commerce that the so-called "Alaska civil code bill" may fail of passage because of the many other important measures to be considered, we would most respectfully and earnestly renew our appeal for the early passage of this bill. Each day but furnishes additional reasons why more courts and a code of civil procedure should be given that Territory at once. The property interests on the Yukon and Bering Sea, already very large, will be increased many millions within the next few months. Mining property and ships and shipping interests aggregating more than a million dollars in value are now in dispute, and under the present law the one court provided for the Territory can not hear these cases, and while the people of Alaska warmly welcome the soldiers being sent to them, they feel that it is not only foreign to the American policy, but equally unfair to the Army and to the citizen, to compel the former to act in a judicial capacity and settle property interests and titles to mining claims, as they will practically be compelled to do should the proposed legislation fail to become a law.

Recognizing the demands made upon your time by the needs of the newly acquired islands, we still assure you that their necessities are not greater than those of the people of Alaska. While there should be at least three courts now open for business in that Territory, the fact remains that there is not one. The late judge of that district having resigned and his resignation having been accepted by the President, to take effect on the 1st day of April, and his successor having not yet reached the Territory, there is to-day no means of enforcing a civil right in Alaska. And even upon the arrival of the recently appointed judge but little or no relief can be given the residents of the Yukon Valley and vicinity. We would therefore most earnestly urge upon you the necessity of the passage of the pending measure; and this should be at the earliest possible moment, to the end that the officers provided for may reach their respective posts with the great crowds now preparing to go to that country.

JOHN P. HOYT,
JOHN L. NEAGLE,
J. A. MOORE.

The foregoing was prepared by a committee of the Seattle Chamber of Commerce, and at a regular meeting of the body April 18, 1900, was approved and ordered sent to both Houses of Congress.

[SEAL.] THOS. W. PROSCH,
Secretary.

Mr. BATE. From whom is the communication?

The PRESIDENT pro tempore. From the Chamber of Commerce of Seattle.

Mr. BATE. Seattle, Wash., and not Alaska.

The PRESIDENT pro tempore. Seattle, Wash.

WESTERN JUDICIAL DISTRICT OF TENNESSEE.

Mr. TURLEY. I ask unanimous consent for the present consideration of the bill (S. 4129) to detach the county of Dyer from the eastern division of the western district of Tennessee and to attach the same to the western division of the western district of said State of Tennessee.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, to add as a new section the following:

SEC. 3. That this act shall take effect thirty days after its passage.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GREER COUNTY, TEX.

Mr. CULBERSON. I ask unanimous consent for the present consideration of the bill (S. 2582) to provide for the establishment of the intersection of the true one hundredth meridian with Red River, to ascertain the amount of taxes collected by the State of Texas in what was formerly known as Greer County and the expenditures made on account of said county by said State, and for other purposes. It has been favorably reported by the Committee on the Judiciary with an amendment.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, in section 4, page 6, line 17, after the word "one," to insert:

And may receive and consider any testimony which he may consider to be pertinent to the subject of such inquiry.

So as to read:

He may also receive and consider any testimony taken by either party in said cause entitled The United States against The State of Texas, in the Supreme Court of the United States, reported in 162 United States, page 1, and may receive and consider any testimony which he may consider to be pertinent to the subject of such inquiry.

The amendment was agreed to.

Mr. HAWLEY. I and perhaps some others would be very much obliged to the Senator from Texas if he would give us some little explanation concerning what this measure is. We do not comprehend what it is.

Mr. CULBERSON. I will be very glad to do so.

I will state briefly that for many years there was a controversy between the State of Texas and the United States as to the ownership of what is known as Greer County, a county embracing about 1,500,000 acres of land on the eastern border of our State and now in the Territory of Oklahoma. The case was finally determined by the Supreme Court of the United States, in 1896, against the claim of the State of Texas, and in the opinion of the court, delivered by Mr. Justice Harlan, it is said that what claim the State had upon the United States for maintaining law and order in that county from 1860, when it was created into a county, down to 1896, when the decision was rendered, was a proper subject for the consideration of Congress.

While the duty was devolved upon the State of Texas to maintain law and order in that county, and courts were organized there, schoolhouses built, and a system of public education was instituted by the State of Texas, the courts of the United States, following the political department of the Government of the United States as to the claim of ownership, enjoined the collection of taxes in that county by the State of Texas; and consequently the State, while exercising the powers of a de facto government in the county, was compelled to pay out of its treasury the salaries of the judges, all the fees of office for executing the criminal laws in that county, and for maintaining a system of education in the county, without any return in taxation except small amounts voluntarily paid.

The object of this bill—not to take too much of the time of the Senate—is to have the Secretary of the Interior inquire into and ascertain certain facts, so that hereafter the Congress may consider and pass upon the question whether or not, under all the circumstances, the United States, in accounting with the State of Texas, should pay that State anything in the premises. The bill does not commit Congress to the payment of any money at all except $7,500 to make this inquiry, nor does it commit Congress to any declaration that the State of Texas is entitled to any sum of money from the United States.

The bill proposes to ascertain these facts by a commissioner, rather than impose this onerous duty upon any committee of Congress; and after full consideration by the Committee on the Judiciary the bill was reported favorably by the unanimous vote of that committee.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. HAWLEY. I will inquire whether this lays the foundation for a claim by the State of Texas?

Mr. CULBERSON. Certainly. It is to ascertain the facts in the case, so that Congress may consider the question and determine for itself——

Mr. HAWLEY. The question of refunding these expenditures by Texas?

Mr. CULBERSON. Certainly.

Mr. HAWLEY. From 1860 up?

Mr. CULBERSON. Really from 1886, when the county was organized. It was created as a county in 1860, but it was not organized as a county until 1886, so that it actually covers about ten years.

I will state to the Senator from Connecticut that the bill, if passed, does not commit Congress to anything. It simply provides a method of gathering and ascertaining the information which it is necessary for Congress to have in order to pass intelligently upon the proposition.

Mr. TELLER. I wish to ask the Senator from Texas if this opens the controversy as to where that line is, and whether Greer County is in Texas or in Oklahoma?

Mr. CULBERSON. Not at all.

Mr. TELLER. It does not raise that question?

Mr. CULBERSON. Not at all. The Supreme Court of the United States decided where the line ought to be under the treaty, but it did not, by its decree, fix the location of the line on the ground. This bill provides that the Secretary of the Interior shall

locate the line actually on the ground, but it is not intended to disturb the boundary line.

Mr. LODGE. I should like to ask whether there is any report from the committee on this bill?

The PRESIDENT pro tempore. There is no written report. The bill is reported from the Committee on the Judiciary.

Mr. LODGE. There is no written report at all from the committee on the bill? What member of the committee reported the bill?

The PRESIDENT pro tempore. It was reported by the Senator's colleague from the Committee on the Judiciary.

Mr. LODGE. Without any written report?

The PRESIDENT pro tempore. Without any written report.

Mr. LODGE. It seems to me this is a pretty important bill, opening a very large claim against the United States. I should like to hear something from the committee in regard to it if there is present a member of the committee who reported the bill.

Mr. TELLER. I have not looked at this bill, and I was not present when it was reported. I do not know whether it commits us to paying anything or whether it leaves it to Congress to determine whether it will pay. The Senator from Texas can tell us that.

Mr. CULLOM. He has stated that twice.

Mr. CULBERSON. I have already stated that it does not commit Congress to the payment of a cent to the State of Texas. It is simply a method, determined upon after full and careful consideration, to ascertain the facts which must be in the possession of the Congress before it can determine the question intelligently.

Mr. TELLER. I suppose, then, it will be still left to the Congress whether there is any equitable claim on the part of Texas on the Government of the United States?

Mr. CULBERSON. Yes, sir.

Mr. LODGE. Mr. President, this lays the foundation, as I understand it, for a claim which may be of very great magnitude. It seems to me we should hear something in regard to it from the committee which has had it under consideration.

Mr. BACON. I suggest to the Senator from Massachusetts that the claim can be made without the ascertainment of the facts sought to be ascertained; and if the claim is to be made, certainly Congress ought to be furnished with the most authentic information which it is practicable to obtain.

Mr. LODGE. It seems to me this authorizes an accounting which may open up a very large claim. I know nothing about it except what I have heard this afternoon, but it seems to me to be a pretty important bill to pass under a unanimous-consent request. We have no written report from the committee in regard to it, and no member of the committee apparently is present to explain it to the Senate. I think it had better lie over, Mr. President, until we can examine it.

The PRESIDENT pro tempore. Objection is made.

Mr. PETTUS. If the Senator from Massachusetts objects, I should like to be allowed to state that the Judiciary Committee examined the bill carefully for a considerable time.

One of the purposes of the bill is to locate on the ground the exact parallel. The Supreme Court fixed a parallel as a boundary, but it did not locate that parallel and had no means of doing it. This is to locate the parallel at that spot, and also to ascertain facts by which Congress might be able, if it saw fit, to do justice in the matter according to its judgment. That is about the whole of it. The committee was careful in its consideration. I supposed the Senator from Massachusetts had put in a written report, but I am informed that he did not.

Mr. LODGE. By whom was the bill reported from the Judiciary Committee?

The PRESIDENT pro tempore. By the Senator's colleague.

Mr. LODGE. I think it would be better to wait until the Senator who reported the bill comes here.

The PRESIDENT pro tempore. Does the Senator object?

Mr. LODGE. Yes; I object.

The PRESIDENT pro tempore. The bill goes over.

MARY E. M'DONALD.

Mr. MARTIN. I ask for the present consideration of the bill (S. 2584) for the relief of Mary E. McDonald.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Mary E. McDonald and Stephen C. Brown, owners of the McDonald hatching jar and McDonald universal hatching jar, $2,468.11 each, the same to be compensation in full for the use by the United States of all hatching jars invented by the late Marshall McDonald, and for all rights in jars now possessed by Mary E. McDonald and Stephen C. Brown, and for the right of the United States hereafter to use the patents on the jars.

It further proposes to pay to Mary E. McDonald, widow of Marshall McDonald, late Commissioner of Fisheries, $5,000, the same to be compensation in full for the use by the United States of the McDonald egg-transportation crate, the McDonald improved cod-hatching box, the McDonald hatching bucket, the McDonald trout can, and of all other inventions of Marshall McDonald, and for their transfer to the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN L. SMITHMEYER AND PAUL J. PELZ.

Mr. STEWART. I ask unanimous consent to call up the bill (S. 186) for the relief of John L. Smithmeyer and Paul J. Pelz.

Mr. JONES of Arkansas. I do not think that bill ought to be passed without more mature consideration than it can have here at this time, and I object.

The PRESIDENT pro tempore. Objection is made.

Mr. STEWART. I appeal to the Senator from Arkansas to withdraw his objection.

Mr. JONES of Arkansas. Not now.

Mr. STEWART. Then I give notice that I shall call this bill up immediately after the morning hour on Tuesday next, I will say, so that there will be ample time. I will make the motion then to call it up. I should like to state that this is a meritorious bill and one that ought to be passed. Great injustice has been done in this case, as I can show in five minutes, if I am given the opportunity. I shall move to take up the bill next Tuesday.

BRIDGE ACROSS BAYOU BARTHOLOMEW, LOUISIANA.

Mr. McENERY. I ask the Senate to proceed to the consideration of the bill (H. R. 8962) to authorize the New Orleans and Northwestern Railway Company, its successors and assigns, to build and maintain a bridge across Bayou Bartholomew, in the State of Louisiana.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT GRAND FORKS, N. DAK.

Mr. HANSBROUGH. I ask the Senate to proceed to the consideration of the bill (S. 159) to provide for the erection of a public building in the city of Grand Forks, N. Dak.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Buildings and Grounds with amendments.

The first amendment was, on page 2, line 2, before the word "thousand," to strike out "two hundred and fifty" and insert "one hundred and eighty;" so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States courts and post-office and other Government offices, in the city of Grand Forks and State of North Dakota, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of $180,000.

The amendment was agreed to.

The next amendment was to strike out from line 21, page 3, to line 2 on page 4, in the following words:

So much of said appropriation as may be necessary for the preparation of sketch plans, drawings, specifications, and detailed estimates for the building by the Supervising Architect of the Treasury Department shall be available immediately upon the approval by the Secretary of the Treasury of such site.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ISSUANCE OF BONDS IN TERRITORIES.

Mr. SHOUP. I ask unanimous consent for the present consideration of the bill (S. 4075) to amend an act to prohibit the passage of special or local laws in the Territories, to limit the Territorial indebtedness, and so forth.

The Secretary read the bill.

Mr. BATE. That is a very important bill, sir, giving power to the Territories to issue bonds, and it has property qualifications to enable citizens to vote. I do not think the bill ought to be disposed of in this manner this evening.

The PRESIDENT pro tempore. The Senator from Tennessee objects.

Mr. BATE. I am sorry to do it.

Mr. SHOUP. Then I ask that it may go over without prejudice.

Mr. BATE. Oh, certainly.

The PRESIDENT pro tempore. It does go over without prejudice.

PREVENTION OF FOREST FIRES.

Mr. BARD. I ask unanimous consent for the present consideration of the bill (H. R. 8585) to amend an act entitled "An act to prevent forest fires on the public domain," approved February 24, 1897.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

It proposes to amend an act entitled "An act to prevent forest fires on the public domain," approved February 24, 1897, so as to read:

That any person who shall willfully or maliciously set on fire, or cause to be set on fire, any timber, underbrush, or grass upon the public domain, or shall leave or suffer fire to burn unattended near any timber or other inflammable material, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any district court of the United States having jurisdiction of the same shall be fined in a sum not more than $5,000 or be imprisoned for a term of not more than two years, or both.

SEC. 2. That any person who shall build a fire in or near any forest, timber, or other inflammable material upon the public domain shall, before leaving said fire, totally extinguish the same. Any person failing to do so shall be deemed guilty of a misdemeanor, and upon conviction thereof in any district court of the United States having jurisdiction of the same shall be fined in a sum not more than $1,000 or be imprisoned for a term of not more than one year, or both.

SEC. 3. That in all cases arising under this act the fines collected shall be paid into the public-school fund of the county in which the lands where the offense was committed are situated.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SIMMONS REEF AND LANSING SHOAL, LAKE MICHIGAN.

Mr. MCMILLAN. I ask unanimous consent for the present consideration of the joint resolution (H. J. Res. 168) for change in location of aids to navigation on Simmons Reef and Lansing Shoal, in Lake Michigan. It will take only a moment. It is merely to change a light-ship and remove a floating light.

The Secretary read the joint resolution; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Light-House Board to remove the light-ship No. 55, now on Simmons Reef, in Lake Michigan, near the Straits of Mackinac, to Lansing Shoal, and provides that the gas buoy on Lansing Shoal shall be removed so as to take the place of the light-ship to be removed from Simmons Reef.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANSON MILLS.

Mr. COCKRELL obtained the floor.

Mr. BATE. Mr. President——

Mr. COCKRELL. I yield to the Senator from Tennessee.

Mr. BATE. I ask the Senate to proceed to the consideration of Senate joint resolution 104.

Mr. ALLISON. I move that the Senate do now adjourn.

Mr. BATE. I hope the joint resolution I have indicated will be considered.

Mr. LODGE. The Senator from Iowa has moved that the Senate adjourn.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Iowa that the Senate do now adjourn.

Mr. BATE. I hope the Senator will withdraw the motion for a moment.

Mr. ALLISON. For what purpose?

Mr. COCKRELL. I yielded to the Senator from Tennessee in order that he might secure the passage of a joint resolution, intending to move to adjourn after that had been considered.

Mr. ALLISON. Very well; I will withdraw the motion in order that the Senator from Tennessee may present his case, whatever it may be.

Mr. BATE. I ask unanimous consent for the consideration of the joint resolution I have named.

The PRESIDENT pro tempore. The joint resolution will be read for the information of the Senate.

The Secretary read the joint resolution (S. R. 104) to amend the joint resolution permitting Anson Mills, colonel of Third Regiment United States Cavalry, to accept and exercise the functions of boundary commissioner on the part of the United States, approved December 12, 1893.

Mr. CARTER. I move that the Senate do now adjourn.

Mr. BATE. I hope the Senator will allow the joint resolution to be passed.

Mr. HAWLEY. I hope it may be passed.

Mr. CARTER. I think the Senator from New Jersey [Mr. SEWELL] should be present when this joint resolution is considered.

Mr. HAWLEY. Has he any objection to it?

Mr. CARTER. I am not aware that he has any.

Mr. HAWLEY. It has been favorably reported by the Committee on Military Affairs.

Mr. BATE. The joint resolution has already been read, and it can be passed in a moment if there are no objections to it. If there are objections to it, I can explain the matter satisfactorily.

Mr. HAWLEY. This is a matter of entirely simple, straightforward justice.

The PRESIDENT pro tempore. Does the Senator from Montana withdraw his motion?

Mr. CARTER. I move that the Senate do now adjourn.

The PRESIDENT pro tempore. The question is on the motion. [Putting the question.] By the sound the noes have it, and the Senate refuses to adjourn.

Mr. BATE. Now I ask that the joint resolution may be considered.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. PLATT of Connecticut. I suggest the absence of a quorum, Mr. President.

The PRESIDENT pro tempore. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Culberson,	Martin,	Spooner,
Allison,	Cullom,	Nelson,	Stewart,
Bacon,	Frye,	Pettigrew,	Sullivan,
Bard,	Hawley,	Pettus,	Taliaferro,
Bate,	Jones, Ark.	Platt, Conn.	Teller,
Berry,	Kean,	Quarles,	Tillman,
Burrows,	Lodge,	Scott,	Turley,
Cockrell,	McEnery,	Simon,	Warren.

The PRESIDENT pro tempore. On the roll call 32 Senators have responded to their names. There is no quorum present.

Mr. LODGE. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Friday, April 27, 1900, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April 26, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

POST-OFFICE APPROPRIATION BILL.

Mr. LOUD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union, for the further consideration of the Post-Office appropriation bill.

Mr. ROBINSON of Indiana. Will the gentleman yield to me for a moment before that motion is submitted, so as to present a request for unanimous consent, made at the suggestion of my colleague [Mr. BRICK] and other gentlemen, that ten days' leave be granted to print remarks in the RECORD on the subject of rural free delivery?

The SPEAKER. Does the gentleman refer to those who took part in the discussion of the bill only?

Mr. ROBINSON of Indiana. No, Mr. Speaker, I refer to all gentlemen who may desire to exercise that privilege.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The motion of Mr. LOUD was then agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. DALZELL in the chair).

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the Post-Office appropriation bill, and the Clerk will procced with the reading of the bill.

Mr. TAWNEY. Mr. Chairman, before that I wish to submit a request. In the course of my remarks on yesterday I had occasion to refer to several statements furnished me by the Post-Office Department. I now ask unanimous consent that I may be permitted to incorporate such statements in my remarks, and also to extend the remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. TAWNEY. Before proceeding with the next paragraph of the bill I have an amendment to the one now under consideration, on page 16. In lines 14 to 17, inclusive, I desire to submit an amendment in the following works: Strike out the words "seven hundred and forty-eight," and also the letter "b" at the end of line 14; and in lines 15 and 16 strike out "four hundred and seventy-nine," and also the words "at $1,300 each," and insert "twelve hundred and twenty-seven:" so that the total number in that class shall have their salaries increased to $1,400 a year.

The CHAIRMAN. The Clerk will report the amendment proposed by the gentleman from Minnesota.

The Clerk read as follows:

Strike out "seven hundred and forty-eight" and insert "twelve hundred and twenty-seven;" so that it will read "1,227 clerks, class 5." Also strike out "b" at the end of line 14.

Mr. TAWNEY. Mr. Chairman this amendment is one which I think the chairman of the Committee on the Post-Office and

Post-Roads will not seriously object to. One thousand four hundred dollars is the maximum salary allowed by law to railway postal clerks of class 5. By the provisions of this bill we increase the salary of 748 of these clerks to the maximum, allowing the remainder, 479, to receive only the same salary they have been receiving heretofore, and I have as yet been unable to hear from the chairman of the committee or any other member of the committee any reason why there should be any discrimination between the railway postal clerks of the same class.

I can not understand why the chairman of the committee proposes this discrimination. It is certainly not in the interest of the efficiency of the service to require men of the same class to work at a different rate of compensation. The tendency will be to demoralize the service where you require the same duties of men and then discriminate against one portion of the men of that class and in favor of another portion by giving them $1,400 and requiring the remaining portion of that class to work at $1,300. That is certainly a discrimination that, in my judgment, would lead to inefficiency, rather than to efficiency, and would naturally tend to injure the service. I therefore hope the amendment will be adopted, increasing the salaries of all the men of class 5 to $1,400.

Mr. LOUD. Mr. Speaker, I outlined yesterday about as fully as I could the reasons why an amendment of this kind should not prevail. Of course if this amendment prevails, the gentleman proposes, I suppose, to offer the same amendment to class 4. I hope, Mr. Chairman, that I may have the attention of the committee. This is a matter of vital importance. The gentleman says that these men are all performing the same kind of service. That is not true. While there are very near this number now in what is called class 5, except, perhaps, 150 of them, yet gentlemen can readily see they can not be performing the same character of service, because we have not as many full railway postal cars as the gentleman proposes in the number here, and the gentleman must remember that on many trains there are four postal cars; and it will be found there are not to exceed 748, the number which your committee have recommended after a most careful investigation.

There are not to exceed 748 who have charge of cars on trains, and this segregation was made here on an equitable basis. The General Superintendent took the hardest runs—took all of the night runs and all of the long runs. He said, as any man must see, that this is a service far superior to that performed by the other 400, which the gentleman proposes to raise to $1,400.

Mr. LIVINGSTON. Will the gentleman allow me one question for information?

Mr. LOUD. Certainly.

Mr. LIVINGSTON. Then, I understand, you have provided for those who have charge of cars, and the helpers the gentleman proposes to provide for. Is that the distinction?

Mr. LOUD. That is what the gentleman substantially proposes. He proposes not alone that the men in charge of the cars receive the maximum salary, but some men in the same car, as helpers, as you may call them. The Post-Office Committee gave this question——

Mr. TAWNEY. I do not think the gentleman will insist that it is proposed to raise the salaries of helpers to $1,400. I will ask the gentleman this question: Is it your understanding, or do you wish the House to understand, that all the men in those night runs are of class 5?

Mr. LOUD. No; not all the men.

Mr. TAWNEY. Well.

Mr. LOUD. All in charge of cars are.

Mr. TAWNEY. All in charge of cars; yes.

Mr. LOUD. But there are other men working there in these cars who are of class 5.

Mr. TAWNEY. Well, does the gentleman propose to put them all on the same plane?

Mr. LOUD. Men in charge of cars receive the same salary.

Mr. TAWNEY. All of a class are supposed to be put on the same plane?

Mr. LOUD. The gentleman forgets that he does not take alone class 5, but his amendment will add a great many to it. Take the run from New York to Pittsburg, where there are four cars on one of its trains. On the run from New York to Buffalo there are four cars on one of its trains; and you will find on these two runs alone more than forty cars are on this one line.

Mr. TAWNEY. Will the gentleman answer this question: How many are there in class 5?

Mr. LOUD. I can not give you the exact number now.

Mr. TAWNEY. Twelve hundred and twenty-seven.

Mr. LOUD. Oh, no. The gentleman is mistaken about that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. There are, according to the report of the General Superintendent.

Mr. LIVINGSTON. There are 1,040 of these clerks.

Mr. BROMWELL. I ask unanimous consent that the time of the gentleman from California be extended for ten minutes.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the time of the gentleman from California be extended ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LIVINGSTON. I hope that conversation on the floor may cease, so that we can hear.

Mr. LOUD. Mr. Chairman, I want to say now that I will not take the ten minutes if not interrupted. I want to say that the most careful segregation has been made here, and that if the amendment of the gentleman from Minnesota shall prevail the effect of it will be to not alone put men who are in charge of cars at a salary of $1,400, but put men who might be termed helpers in that car at the same salary; and the same rule will apply to class 4, if the amendment be offered.

I know, Mr. Chairman, what the effort is to increase the salaries of these clerks. I have in my hand a postal card which might divulge, perhaps, the methods which have been practiced during the last few days; and I hope I may have the attention of the committee while I read it:

A letter from Mr. TAWNEY—

I suppose he refers to the gentleman from Minnesota—

just received, states that he desires every railway postal clerk to at once write or wire his member of Congress in substance as follows:

"Provision in Post-Office appropriation bill for railway postal clerks is not satisfactory, as nearly all of the increase of salary goes to the office force. Substitute H. R. 2 for this provision."

He also states:

I called on Captain White—

General Superintendent of the Railway Mail Service, evidently according to the gentleman's correspondence in league with him; an official receiving $3,500 a year in league with the gentleman from Minnesota to defeat this appropriation bill and increase the salary of the postal clerks.

I called on Captain White, and he informs me that neither Mr. LOUD nor any member of the committee consulted him or the Department in regard to the provisions of the bill, either before or since it was reported to the House.

That is false.

He states that Captain White is assisting him—

I suppose he refers to the gentleman from Minnesota—

in putting our bill in shape to be offered as a substitute for the Loud measure at the proper time. This information, it seems to me, should settle the matter as to the Department being back of the Loud measure. Now, let us stand together, for the Department is standing by their recommendation of H. R. 2; then why should we desert our own cause?

Circulate this information among the boys as much as possible and see to it that they act promptly, as Mr. TAWNEY says the bill is liable to come up at any day.

Now, Mr. Chairman, I hope that I may not be forced at this time to go into this whole proposition that is now confronting Congress. This is but a part of a scheme, and I say I hope, I plead with the gentleman from Minnesota, with the information in my possession, I hope he will not force me here to present to this House the form of concerted attack that is being made upon Congress to-day, and I plead with the gentleman to desist here.

The Committee on Post-Offices and Post-Roads have given this matter most careful consideration. The General Superintendent of the Railway Mail Service did make this segregation. While he did not make it of his own free will, he did make it at the suggestion of the committee, but he did say that this segregation was fair, that the men we proposed to pay $1,400 a year on this bill were performing a great deal more service than those that remained at $1,300, and so those relating to class 4.

This House is upon the very threshold of this proposition. Pass this amendment and you must pass other bills. Pass this amendment and you will have an opportunity to increase the Post-Office appropriation bill fully $15,000,000 this year. Now, I plead and beg this House to stop right where we are.

Mr. MAHON. Will the gentleman allow me to ask him a question?

Mr. LOUD. Yes.

Mr. MAHON. This classification of salary in your bill is satisfactory to the Post-Office Department in charge of this matter?

Mr. LOUD. I might say yes, and I might say no. There is a great deal of conversation that has passed between the Post-Office Department and myself. I know that the General Superintendent of the Railway Mail Service wants these men to receive more salary than the gentleman proposes, but I know that the Postmaster-General wants this matter to stop where it is.

Mr. TAWNEY. I will ask the gentleman if it is not a fact that the Postmaster-General recommended the reclassification which was offered yesterday?

Mr. LOUD. The Postmaster-General, in a perfunctory way, without understanding the question, did indorse the report of the Second Assistant Postmaster-General. When I called the attention of the Postmaster-General—and I did contemplate even going beyond him—when I called his attention to the position taken by his assistant he was paralyzed to learn the condition existing, and he said that so far as it lay in his power he would stop it.

Mr. TAWNEY. Mr. Chairman, I am unable to understand how the gentleman from California [Mr. LOUD] construes the amendment I have offered so as to claim the result to be as he says it will be. He knows as well as any other man who has ever read the reclassification of 1881 that class 5, authorized by that reclassification, expressly provides that all employees in the railway postal service in that class should receive $1,400, and that that is their maximum salary. Owing, as I said yesterday, to the fact that there was a deficiency in the appropriation bill some years ago, the men in this class received only $1,300 one year, and their salary has never been restored from that time until now.

Now the gentleman from California comes in here with a proposition that restores the salary of only 748, leaving the remaining 429 to continue their service at the $1,300 rate.

If a part of that class is entitled to $1,400, then all of them are entitled to it. The law creating the class provides that the men of that class may receive $1,400 per annum, and why should a portion of them receive it and not all of them? That is a question the chairman of the committee has never answered and can not answer.

There can be no objections to it whatever, and I say that it is unjust for this House to discriminate in favor of 784 men of that class and against 479 men of the same class. These helpers who work in the cars are not in that class, as claimed by the chairman. It is only those who are in class 5 who receive the benefit of the maximum salary which the law allows these men, and not helpers. He knows better than any man that helpers are not in this class.

Mr. FITZGERALD of Massachusetts. Will the gentleman allow me a question?

Mr. TAWNEY. Yes, sir.

Mr. FITZGERALD of Massachusetts. I would like to ask the gentleman wherein the duties performed by men who are allowed $1,400 a year differ from those performed by the men who receive $1,300 a year? Is there any difference?

Mr. TAWNEY. The subdivision which was made by the chairman of the Committee on the Post-Office and Post-Roads was made on the assumption that the man who works on a night run is entitled to more compensation than the man who works on a day run. That is the only basis for that subdivision. Yet the gentleman knows that the man who gets up at 1 o'clock in the night to go upon his run is classed as a day man.

The distinguished chairman of the Committee on Post-Office and Post-Roads has seen fit to read a postal card. The author of the card I do not know; and I do not know that he has given his name. But he speaks of what I said in a letter to a friend of mine in the railway postal service, suggesting to him what the men in that service could do in order to secure consideration of the proposition which they have asked for and which the Department has recommended for the past six years.

I do not deny that I made the suggestion. I made it only as a friend of those who have never yet been able to receive any consideration whatever at the hands of the chairman of the Committee on the Post-Office and Post-Roads. I did so because I believe they are entitled not only to consideration, but that they are entitled to the reclassification they ask and which all of their superiors, including the Postmaster-General, recommend.

[Here the hammer fell.]

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I certainly hope that the amendment offered by the gentleman from Minnesota [Mr. TAWNEY] will prevail. I think the last statement he has made ought to clear the atmosphere sufficiently to show the members of the House the justice and equity of the amendment. As I understand, the amendment calls for an increase of $100 per annum for each of 479 men, which would involve an additional expenditure of $47,900—not the fabulous amount which the chairman of the Post-Office Committee said only a few moments ago would be the result.

I think it is admitted that these men all do the same character of work except that those who receive $1,400 a year work at night, while those who receive $1,300 a year are employed in the daytime. But, as was stated by the gentleman from Minnesota a few minutes ago, if these clerks start to work after 1 o'clock in the morning they are called day clerks and are allowed only $1,300 a year.

It may not have been made evident to members of the House that the increase to those who work at night is made by the present bill reported by the committee; and why any discrimination should be made between men doing the same character of work and who have been in the employ of the Government the same number of years and who are equally efficient as indicated by the fact that they are all put in class 1, merely because one class work at night and the other day, is more than I can understand.

I cheerfully commend and indorse the position taken by the gentleman from Minnesota, which has been complained of by the gentleman from California, in undertaking to see that the railway mail clerks in the different sections of the country called the attention of members of Congress to this condition of affairs and to the fact that certain classes of clerks are being favored at the expense of others.

It seems to me, as I have stated before, that some remedy ought to be had; and even if it does call for an appropriation—not as large by any means, I think, as the amount stated by the chairman of the committee—I believe we ought to make a start in increasing the pay of the employees in the various branches of the Post-Office Department.

It is admitted, but I have never seen the question brought before the House by the committee who investigated the matter, that the Government is paying millions of dollars more than the service is worth to the railroad corporations for mail transportation. If the money thus unfairly and unjustly paid to railroad corporations for the carriage of the mails were devoted to the proper increase of the salaries of the post-office clerks, and the railway mail clerks, and the letter carriers, we would not have any talk about a deficit in the revenues of the Post-Office Department or any scandal regarding the amounts paid railroad corporations.

Your deficit arises from the fact that you are paying exorbitant rates to railroad companies, while you pay insufficient wages to the men who work for the Government in the post-offices and on the railway cars and as distributing carriers throughout the different cities and towns and villages of our country.

When the railway mail clerk enters upon his duty on the train every day, he does not know that he will ever return to his home alive. He risks his life every time he puts himself into that railway car to do the business of the Government. Statistics prove that the death rate among this class of employees is greater than in the Army, except when engaged in regular warfare. The man who enters the Government service as an employee in the railway mail post-office work takes a risk just the same as the man who shoulders his musket and goes forth to defend his country's flag.

The life is one of constant danger and peril, and the Government should be willing to give these men equitable salaries. The bill known as H. R. 2 is, in my judgment, the measure which we should consider at this time. This bill adjudicated the salaries of all classes of railway mail clerks and is a just and proper measure.

Inasmuch as this bill was ruled out on a point of order, I am heartily in favor of this present proposition increasing the salaries of all clerks in the first class to $1,400, which proposition, if it meets the approval of the House, will eventually prove beneficial to all the clerks in the lower grades. In conclusion, let me say, Mr. Chairman, if we are honest and not hypocrites, reduce the amounts paid to the railroads to a reasonable basis and pay the amounts thus saved in a just increase in the salaries of all underpaid employees of the Post-Office Department.

The question being taken on the amendment of Mr. TAWNEY, it was agreed to, there being on a division (called for by Mr. SHATTUC)—ayes 83, noes 32.

The Clerk read as follows:

For actual and necessary expenses of General Superintendent, assistant general superintendent, chief clerk office General Superintendent, division superintendents, assistant division superintendent, chief clerks, and railway postal clerks, while actually traveling on business of the Department and away from their several designated headquarters, $40,000.

Mr. LOUD. Mr. Chairman, on page 17 of the bill, in line 10, I move, after the word "superintendent," to add the letter "s;" so that it will read "division superintendents."

The amendment was agreed to.

The Clerk read as follows:

In all, for Railway Mail Service, $9,761,300.

Mr. LOUD. Mr. Chairman, I ask that the total amount carried by these various items be corrected. We have made an amendment which changes the provision somewhat. I will prepare it and hand it to the Clerk.

The CHAIRMAN. The Clerk will make the necessary changes or corrections in conformity with the action of the committee, if there be no objection.

There was no objection.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

For necessary and special facilities on trunk lines from New York and Washington to Atlanta and New Orleans, $171,238.75: *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

For continuing necessary and special facilities on trunk lines from Kansas City, Mo., to Newton, Kans., $25,000, or so much thereof as may be necessary: *Provided*, That no part of this appropriation shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

Mr. MOON. Mr. Chairman, I believe that the item in the bill which has just been read is one of the items where by agreement two hours were to be allowed for debate—one hour on each side?

The CHAIRMAN. The gentleman is correct in that.

Mr. UNDERWOOD. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. UNDERWOOD. The item in the bill on page 18, beginning

with line 3 and ending with line 10, has been read by the Clerk, and the Clerk proceeded to read the next paragraph, beginning with line 11 and ending with line 17. Now, I understand the preceding paragraph to which I have referred is adopted by the committee, there being no point made, and no objection to it, and no amendment offered. I make the inquiry, therefore, of the Chair, whether or not that provision has been adopted and is a part of the bill without further action of the committee?

Now, two hours' debate was provided for by agreement on these two paragraphs of the bill, one of them relating to the fast-mail service and special facilities between New York and New Orleans, which provision was read through and the paragraph passed without an amendment offered or a point of order made against it. The next paragraph was also read. I desire to ask the Chair if the paragraph to which I have referred and to which no amendment or objection was made has not been adopted?

The CHAIRMAN. The Chair will state to the gentleman from Alabama that by unanimous consent the two paragraphs in question were set aside with the understanding that when they were reached for consideration in the committee, there would be two hours' debate upon them.

Mr. UNDERWOOD. But, Mr. Chairman, I understand that the two hours' debate was to be allowed, but no express order was made to consider these paragraphs together, as I remember it, under the rule.

The CHAIRMAN. But they embrace one and the same subject.

Mr. UNDERWOOD. They relate to different sections of the country and to different roads—different routes of railway—and they have been provided for as separate items heretofore. They have always been considered separately, and therefore I desire to submit the point of order that the first paragraph, beginning with line 3 and ending with line 10, has been read and passed without objection.

The CHAIRMAN. The Chair will state to the gentleman from Alabama that after the expiration of the two hours' debate each paragraph will be taken up and considered under the rule for amendment and debate as provided for the consideration of other portions of the bill under the five-minute rule.

Mr. UNDERWOOD. But my point is that the first paragraph, having been read and passed without objection and without amendment, has gone beyond the control of the committee and it can not now be taken up again.

The CHAIRMAN. The Chair will state that the paragraphs have only been read, up to this time, for the purpose of bringing them before the House so that the two hours' debate can be had, according to the agreement.

Mr. UNDERWOOD. I would ask permission of the Chair to reserve the point of order temporarily until I can examine the RECORD in reference to the agreement.

Mr. COWHERD. Mr. Chairman, do I understand that the time allowed for this discussion is one hour on a side on the two paragraphs?

The CHAIRMAN. That was the agreement, and that one hour should be controlled by the gentleman from Tennessee [Mr. MOON] and one hour by the gentleman from California [Mr. LOUD].

Mr. HEPBURN. Mr. Chairman, I do not understand the request of the gentleman from Alabama to reserve the point of order.

The CHAIRMAN. The gentleman asked to reserve the point of order until he can examine the RECORD.

Mr. HEPBURN. I wish to interpose an objection to that, Mr. Chairman. I do not want to see the time of the committee wasted in a discussion of two or three hours, as we saw on yesterday, and then the whole subject disposed of on a point of order. If there is a point of order to be made against this provision of the bill, let us have it settled now.

I dislike very much to object, and do it without any disrespect to the gentleman from Alabama; but I think we ought to dispose of it now.

Mr. UNDERWOOD. Mr. Chairman, I think the gentleman from Iowa makes his objection at too late a date in this discussion.

Mr. HEPBURN. My point is that, if there is a suggestion of a point of order, it must be disposed of at once, and can not be held up indefinitely.

Mr. UNDERWOOD. But the objection is made too late. The gentleman did not make it in time.

Mr. HEPBURN. I do not know that there is any power, under the rules of the House, in any member, or a number of members, to reserve points of order indefinitely.

Mr. PAYNE. And the point of order can be renewed at any time.

Mr. LOUD. Will the gentleman from Iowa permit me a moment?

I do not think the gentleman from Alabama wants to take advantage of a technicality. The proposition was made in good faith, that there should be two hours' debate—one hour on each side—on the subject of fast-mail facilities. The Clerk is reading that provision of the bill which will be taken up in this order for consideration under the five-minutes rule after the two hours' debate. That is the complete proposition, embracing the two paragraphs, I will state to the gentleman.

Mr. HEPBURN. May I inquire what the point of order reserved by the gentleman was?

The CHAIRMAN. The Chair thinks the gentleman can not reserve the point of order in the face of an objection on the part of any member of the committee. If the gentleman from Alabama [Mr. UNDERWOOD] desires to insist on his point of order and the gentleman from Iowa [Mr. HEPBURN] insists that it shall not be reserved, it must be disposed of now.

Mr. UNDERWOOD. Mr. Chairman, I was not in the Hall when the agreement about debate took place. If it was agreed that these two paragraphs should be considered together, and that was the real intent of the agreement, why, of course, I do not want to take any technical advantage by raising the point of order. The reason I asked for the privilege of reserving it was to examine the RECORD and see what the exact agreement was; that was all.

Mr. LOUD. I will say to the gentleman from Alabama that I made the proposition.

The CHAIRMAN. The order was not with respect to the paragraph, but with respect to the subject of necessary and special facilities. That, of course, covers both paragraphs. Those paragraphs were read for the purpose of having them before the House for debate, and when the debate is concluded they will be considered under the five-minute rule.

Mr. UNDERWOOD. Then I will not insist on the point of order, if that was the understanding.

The CHAIRMAN. The gentleman from Arkansas [Mr. LITTLE] is recognized for twenty minutes.

Mr. LITTLE. Mr. Chairman, in order that the proposition may be before the House, let it be understood that the proposition is to strike out the two paragraphs for special mail facilities provided for in the pending bill.

The first of these propositions has been before Congress repeatedly. At every session, I believe, since I have had the honor to be a member of this House, we have been confronted with the proposition for special mail facilities on the route extending from New York to New Orleans. Later on, in one of the recent appropriation bills, special facilities were granted to the road leading to Kansas City.

I believe, Mr. Chairman, that both these propositions are fundamentally wrong, apart from the question whether they really contribute to facilitate or expedite the mails or not. I believe that these two paragraphs are relics of the most pernicious system of legislation that has ever invaded the Halls of Congress. If these special appropriations are good in this instance, there is no reason why they should not be applied generally, and, if applied generally, the result would be that the company with the greatest influence would get the greatest appropriation, and the company with the least influence would get the least appropriation, and we should appropriate the money and take chances on what we got for it.

I believe it ought to be a fundamental principle in the appropriation of the public moneys of the people that we ought to know precisely what we get for an appropriation and what we are paying for. One of the objections I have to the present railway mail system is that the best experts in the country disagree as to what we are now actually paying for the transportation of our mails. They differ all the way from 2 to 8 cents on the pound.

Mr. MADDOX. Mr. Chairman, will the gentleman allow me to interrupt him right there?

Mr. LITTLE. Why, certainly.

Mr. MADDOX. Did we not appoint a commission two years ago to investigate this matter and report to this House?

Mr. LITTLE. I will state that Congress did, but that unfortunately that commission have not been able, as they say, to complete their work and furnish Congress at this session with the information that they acquired in that investigation.

Mr. MADDOX. I hope the gentleman will tell us who that commission are and why they have not reported.

Mr. LITTLE. I can not name them all. I believe the chairman of the Post-Office Committee [Mr. LOUD] is one, the gentleman from Georgia [Mr. FLEMING] is another, the gentleman from Massachusetts [Mr. MOODY] is a third. The others I do not remember. But somehow we get this information in spots. We got some of it yesterday and some the other day that was really valuable; but neither the House nor the Post-Office Committee have had the benefit of this evidently very valuable information. Apart from that, we shall, therefore, have to proceed with the lights before us on this question.

Not only do I believe that these appropriations are pernicious in the principle involved, but I believe they are an injustice to the

other railway service of the country. I believe they add to the complications and difficulties in the way of the Department in making proper agreements and schedules with the other lines of railway through the country. If we pay the railways mentioned in these two propositions the extra pay of $196,000, why should we not pay like amounts to other railroads that have increased their speed to a like degree or would do so? Strange to say, notwithstanding the appropriations to these two railway systems, there have been increases of speed all over the country equal to the increases given by these roads, and that without any special appropriation. Let me read just for a moment. If you will examine the report of the Superintendent of the Railway Mail Service, you will find three or four pages here naming the railroads and showing the advances that have been made in the time and schedules of these roads without any subsidy and upon the pay that they already get. To give you a little more light on that question I will read a statement on this subject furnished in this report.

He says:

As the result of this improved schedule the mails arrive at San Francisco twelve hours earlier than previously.

Mr. COX. Mr. Chairman, it is utterly impossible to hear.

The CHAIRMAN. The committee will please be in order, and gentlemen will cease conversation.

Mr. LITTLE (continuing)—

Helena, seven hours; Spokane, eight hours; Seattle, ten hours; Portland, twelve hours; Chicago, three and one-half hours; Omaha, eight hours; Ogden, twelve hours; St. Paul and Minneapolis, six hours.

So, by an examination, if you take these schedules and go over them, you will find that the postal authorities have made arrangements in advancing these mails from east to west almost equal to, if not in some instances greater than, the advance made in the mail from New York to New Orleans. This schedule under which they are now operating I understand was first put in force eight or ten years ago when the subsidy was originally granted. The present schedule was made when the road put on the special train. At that time under the special schedule that it advanced the delivery of the mails on that line I do not deny. In doing that I believe that the company at that time did no more than its duty under the contract that it had with the Government. It is the duty of all railroads hauling mail to deliver it with all reasonable dispatch and facility under their contracts.

There has been no man upon this floor that I have heard in all this debate that has ever claimed that the present pay the railways get for the transportation of the mails is not ample and sufficient to guarantee them in delivering it with all reasonable practical speed and facility. If that be true, why should we give any preference to any particular line? Why should we award to these two lines of railroads specific appropriations for the purposes that are not awarded to other railways throughout the country? Why you will find.

Mr. DAVIS. If the gentleman will permit me to interrupt him, I will say that this train carrying the mails to Georgia and Florida leaves New York at an early hour in the morning, an hour too early to make it profitable as a passenger train. This train takes out the New York papers and gets them to Washington early in the morning, and leaving here at 11 o'clock proceeds southward, and if it were not for this train and this schedule that service would not be given. I mean that these facilities would not be given to the people of that section. There is no doubt about that.

Mr. LITTLE. I can answer that question by the language of the gentleman in charge of the Railway Mail Service, Mr. Grant. It was read the other day by the gentleman from Ohio [Mr. BROMWELL], and I will quote it again:

There seems to be no justification for the special-facilities payment, judging from results obtained. If we treated all lines on this basis—

That is the very proposition suggested on this early departure—

then we should pay the Northwestern Railroad for running an early morning train from Chicago at 3.45 a. m. to Fort Howard, Wis.; also for Cedar Rapids from Chicago. We should also pay the Chicago, Milwaukee and St. Paul Railroad for a train leaving Chicago at the same hour and running to Marion and the West; also the same road for a train from Chicago to Milwaukee and St. Paul; the Chicago, Burlington and Quincy for a train leaving Chicago at 3 a. m. and running to Burlington and Omaha; the Monon Route for a train leaving Chicago in the early morning for Cincinnati. The Illinois Central also has a train leaving Chicago about the same hour, as has also the Pittsburg, Fort Wayne and Chicago and the Lake Shore and Michigan Southern.

So in the increases that I have been calling your attention to, in almost every instance the early morning trains' schedules have been changed so as to leave most of the cities at a very early hour, some as early as 2.30 a. m.; and this that the gentleman speaks of at 4 o'clock a. m. And these superseded your period in being earlier; and I say, as the Department says, that it is an injustice to the other railroads that give the country equal service; and not only is it an injustice, but it is absolutely in the way of the Department in making these extra arrangements.

Mr. DAVIS. Why is that true?

Mr. LITTLE. Let me read from the Postmaster-General.

Mr. DAVIS. May I quote from the bill itself?

Mr. LITTLE. All right.

Mr. DAVIS. It says that if it is not necessary for him to use this money—that the Postmaster-General is not compelled to use it or any part thereof:

Unless the Postmaster-General shall deem such expenditure necessary in order to promote the interests of the postal service.

Mr. LITTLE. Yes; I will answer that.

Mr. DAVIS. If the Postmaster-General does not regard it as necessary, he would not use it. If he does regard it as necessary to give these people this fast mail, he ought to use it.

Mr. LITTLE. There is nothing in that argument. It has been repeated here time and time over in face of the declaration of the officers of the Department, when they had refused to recommend this appropriation, and Congress goes on and makes the appropriation anyhow; they felt that it was mandatory upon them; that it was an expression of Congress that "we want this money expended, whether you think it necessary or not." Here is the language of the Department, and I commend it to the consideration of my distinguished friend. It was the answer of the Postmaster-General, and this very question was covered:

Well, the Department would have power to withhold it, but having recommended to Congress the advisability of withholding it, the Department is bound to assume that Congress desires the appropriation to be expended so long as it is made.

Which is a sound proposition.

When the opinion of the Department is directly against the appropriation and Congress nevertheless makes the appropriation, it by that act overrides the opinion of the Postmaster-General, and he naturally feels bound to carry out this expressed will of Congress.

The Department comes this year with this language by the Postmaster-General:

In submitting the estimates for several years past this office has declined to include the item of special facilities, for the reason heretofore stated, but appropriations have, however, been made.

Now, in the face of that declaration, Congress walks up and makes appropriations after the Department has advised Congress that it is not necessary and they do not want it. It is equivalent to a command on the part of Congress to expend this money, whether it facilitates the mails or not.

But to the other point which I believe is important in this matter. I feel as friendly to the postal service as any man on the floor. I want all sections of the country to have as good service as it is possible to give them, but I say we ought not to adopt the theory of giving to any one line what we do not give to the others; we should treat them all alike by refusing this unqualified gift of the public moneys.

Now, the Department makes this statement, and I read from the evidence before that distinguished commission whose report we have not got, but a part of which has been put in the RECORD.

This question was asked of the Postmaster-General:

Is not the tendency, where we give subsidies to one line, for others to ask or expect the same kind of pay?

Does not that sound reasonable? That would be true in the case of men, and it is true in the case of corporations. Listen to the answer:

The tendency is to produce discontent and dissatisfaction, if not hesitancy on the part of the other roads in giving us similar service without special appropriation.

That declaration applies to every road in the United States where the Postmaster-General makes an appeal to them to advance their schedule, or to move their trains in the interest of expediting the mails through the country.

I regard that as one of the worst elements of that appropriation. Notwithstanding the discontent that it breeds, we have a large number of increases shown here in the report of the Assistant Postmaster-General. I hope the time is coming when this House on this proposition will meet the responsibility and put an end to this pernicious system of legislation. It is pernicious because it produces this system of favoritism under the law. Who can tell me that if this appropriation is stopped the service running to New Orleans will be stopped? They have got a paying train. They say they only make stops at great distances, but they evidently on that train gather all the long-distance travel. They carry on it tons and tons of mail for which they are paid under the appropriations in this bill a price that I believe is more than 100 per cent above what they ought to have. And yet we come here and are called upon, in the face of the recommendation of the officers charged with the responsibility in this mail service throughout the country, to drop in the pockets of this company $171,000 and in another one $125,000.

I do not believe we ought to do it; and as the House showed some small signs of reform yesterday, I think it is a good time to carry that reform out and put the knife to these last two examples of this character of legislation in an appropriation bill. I believe it is our solemn duty. If these lines should temporarily suffer some delay in their mails, I believe it would be more than compensated for by the good and substantial interest and honest service that they and the country would get. It stands in the way, it is a

menace to every proposition of the Postmaster-General to increase the expedition of the mails throughout the country. Why make an appropriation when we do not know whether the mails will stop or not? We do not know whether the trains will run or not, and we do know we are already paying a high price for the service they are rendering the Government. We do not know what we are paying for, whether we are paying for anything or nothing. In the name of common honesty, I protest. For the good of the public service, and for the honor of Congress, and in the name of just legislation, I urge that this appropriation should be stricken from the bill.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. LOUD. Mr. Chairman, I yield fifteen minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Chairman, I come from the South. I believe in the South. We have been oppressed in many ways for over a quarter of a century, and I want to say to some of my friends from the South that if we ever expect to take our place, the place that belongs to us in this Union, not merely politically, but from an industrial standpoint, Representatives from the South must stand on this floor and demand what rightfully belongs to us. The old cry of the Republican party and the gentlemen from the other side of the House from the North used to be "The old flag and an appropriation." The South to-day is as much in favor of the old flag as our friends on that side of the House——

Mr. COX. Will the gentleman yield for a question?

Mr. UNDERWOOD. I have only fifteen minutes, and I ask the gentleman not to interrupt me. But I want to say the reason you find $1:0 per capita in New York State, large amounts of money in circulation in Ohio and Indiana, and five and six and seven dollars in circulation per capita in Alabama, in Georgia, in Mississippi, and Arkansas, is because you stand here on the floor of this House representing your people, and when the taxes are gathered from them to put in the Federal Treasury you are willing to let the appropriations go to the North. You are willing to let the expenditure of this money be put into New England and New York and Ohio and the far West, and for constitutional purposes or extreme economy you cut your own people out of their fair distribution of that part of the money.

You can not have prosperity without having a sufficient amount of money in the country and in your State to carry it on. If you will continue the policy of having this money, dragged out of the people of the country in the shape of taxes, put into the Federal Treasury, only to be distributed in the districts which are represented largely by gentlemen on that side of the House, and in your economy cut your own people out, then you need never expect to see real prosperity come to the Southern States.

Now, I am in favor of this proposition for two reasons. I am in favor of it because I believe it aids in building up the business interests of the Southern States; and I am in favor of it because it is an appropriation that goes to a Southern enterprise.

I see propositions in this bill reported by this same committee—reported without criticism or without opposition by gentlemen of this committee who come from the South and who yet oppose this appropriation going to the South. A certain paragraph below the one now pending—a provision for the transportation of foreign mails—appropriates $2,248,000. In that appropriation is carried—I do not say it is the whole appropriation—a subsidy to the foreign ships sailing to and from this country—the trans-Atlantic ships—a subsidy of $2 for every mile they run. And yet they do not have to carry the mail.

The Postmaster-General, in his report, says that although these vessels are paid $2 a mile for every mile they run at sea, to carry this foreign mail, he gives it to the first ship that touches the port, whether it be an American or an English ship; and if it be English, he pays them in addition for carrying the mail. Why? To expedite the mails—to facilitate the business of the country. And I think it is right. But that company is owned in New York; that country handles the foreign mails that we are not directly interested in. Yet since I have been in this Congress I have failed to see one of our Southern members attack that appropriation. But we do find them attacking the only appropriation that carries this money to our own section of the country.

Now, I believe in both appropriations. I believe that to facilitate the mail builds up business; and to build up the business of this country builds up the prosperity of the people.

The argument as to the necessity of this appropriation is very simple. Gentlemen have repeatedly within the last year or two asked, "Can anybody on this floor say that if this appropriation were withdrawn this train would not run?" Why, sir, I will ask in reply, Can anyone on this floor assert that if the $2 a mile that we are paying to these trans-Atlantic steamers were withdrawn, they would stop running? No, they would probably run anyhow; but they would not expedite the mails as is being done now. If you withdraw this appropriation, I do not charge that the Southern Railroad and the Pacific Railroad would not run two daily trains going south, but I do say that they would not run two daily trains going south at times when we want the trains to run.

Mr. LITTLE. I would like the gentleman to State what part of this money goes to the South.

Mr. UNDERWOOD. It goes to a Southern enterprise.

Mr. LITTLE. Does the gentleman say that enterprise is owned in the South?

Mr. UNDERWOOD. This railroad line carries the mails to the Southern people. From its operations wages are paid to men who live in the South and who work on this railroad.

Mr. LITTLE. And if this appropriation were discontinued, would not every one of them get every dollar that he gets now?

Mr. UNDERWOOD. I do not know that. This railroad not many years ago was in the hands of a receiver; it was unable to pay its running expenses and the wages of its employees, the men who worked along the line.

Mr. LITTLE. What road does the gentleman refer to?

Mr. UNDERWOOD. The Southern Railroad, running from Washington to Greenville, Miss.

Mr. LITTLE. And what is the present condition of the finances of the company?

Mr. UNDERWOOD. I am glad to say the finances of the road are now in excellent condition.

But I say that this appropriation does help to build up a Southern enterprise. The fault I have to find with my friend from Arkansas [Mr. LITTLE] is not on account of his ideas of economy, but I dislike to see that he and others of my friends on this side of the House, whenever they get ready to put the knife to what they consider extravagant expenditures or to apply rigidly what they consider the rules of economy, are always ready to stick the knife into a Southern enterprise.

Mr. LITTLE. I will say to my friend that while I am in Congress no scheme of this kind will get my approval, no matter where it comes from.

Mr. UNDERWOOD. I am not reproaching my friend on account of his ideas of economy; he is entitled to his own views. But I state as a fact that when a Southern Representative attacks any of these propositions, nine times out of ten he attacks the one that benefits his own people.

Mr. DRIGGS. Is it not the fact that Southern merchants are placed in closer communication with their Northern correspondents through the medium of rapid mail transportation on this railroad line?

Mr. UNDERWOOD. Unquestionably; and that is why we want this appropriation continued. I do not know a single city or town, from New Orleans to Washington, whose board of trade and representative business men have not petitioned that this train be kept on. Why? Because they want to be kept in close communication with the New York merchants and New York manufacturers with whom they do business.

Mr. GAINES. Will the gentleman be kind enough to state what particular train would be stopped if this subsidy were discontinued?

Mr. UNDERWOOD. There is no evidence that any train would be stopped. I do not say that any will be stopped. All I can say is this: That the Second Assistant Postmaster-General, under whose judgment this allowance is made, uses in a written communication this language:

> It is not possible to say exactly how far the schedule of the Washington and New Orleans railway post-office has been expedited by cutting out the local stops; but by reason of the fact that a third train is operated the whole distance from Washington to New Orleans, which was not the case in 1893, it is fair to conclude that the local passenger traffic is provided for by a third train, thereby relieving the principal mail train of the local stops.

Mr. GAINES. Is it not a fact, let me ask my friend from Alabama, that since the period to which he refers this Southern road has practically been rebuilt—that is to say, they have new tracks, new cars, new locomotive power, new blood in it generally, and that it is one of the leading, wealthiest roads now in the country?

Mr. UNDERWOOD. I am not discussing the condition of the Southern Railroad, Mr. Chairman, but am only alluding to the question as to whether this train can be run at all without the provision made in this bill. They may be, and no doubt are, in excellent condition. There is no doubt about that fact. But no railroad can operate or support a fast train, out of the great centers of our population, that starts at 4 o'clock in the morning, and expect to gain any passenger traffic at that unusual and unreasonable hour. While such a line would catch the fast mail and the early newspapers, yet it could not expect to derive any revenue from its passenger traffic.

Now, this communication between the great centers of New York and the Southern States, as far as the mail service is concerned, is one of immense importance to our people; and while this road can not support its fast train on passenger traffic, yet it affords unusual and very desirable facilities to our business people. It is certain that this line of road can not carry this mail without the extra compensation provided for in this bill.

Mr. BROMWELL. Will the gentleman allow me to ask him a question?

Mr. UNDERWOOD. I have only a moment or two, Mr. Chairman, but will yield to the gentleman if he desires it.

Mr. BROMWELL. The train the gentleman speaks of leaves Washington at 11.15—I refer to train No. 35. Is that not correct?

Mr. UNDERWOOD. I so understand it.

Mr. BROMWELL. Now, I ask my friend whether that train did not run over this line between Richmond and Danville, Atlanta, and the South generally in 1893?

Mr. UNDERWOOD. No, sir——

Mr. BROMWELL. Well, I think I can show the gentleman by the time-table that that train was being run at that time.

Mr. UNDERWOOD. I will show the gentleman that it was not then run. I am talking now of the train that is leaving New York, and it is the New York connection—the Eastern connection—that we want for our mail service. If you start the train out of Washington—Washington not being itself a business center—it would be of very little value to our people as far as commerce is concerned. I ask the gentleman from Ohio if there is a place between Danville and Charleston, or any other place on the line of the road, anywhere in South Carolina or North Carolina, which may be regarded as a great commercial center like New York? Now, our people get the mail just that much earlier by this appropriation.

Mr. ALLEN of Mississippi. And is it not a fact that the people will be greatly disappointed if they did not get the CONGRESSIONAL RECORD regularly every morning? [Laughter.]

Mr. UNDERWOOD. Why, of course, Mr. Chairman, the constituents of my friend from Mississippi would consider themselves not only as being unjustly treated, but practically ruined, if they did not get his speeches the next morning. [Laughter.]

But seriously, Mr. Chairman, here is the schedule as it stood before 1893, when this appropriation was adopted. That train left New York at 12.15 a. m. It now leaves at 4.30 a. m., quite a number of hours earlier, and catches, of course, the morning papers and the late mail, and puts us in direct communication with the great commercial centers of the country, whereas when it left at 8 o'clock it did not make connection with these Southern roads going south and carrying the mails.

Now, of course we must have a fast train from Washington to New Orleans. For other parts of the road to have a fast train, without through connections, would be of little service, and yet that fast train from Washington to New Orleans would be of little service to our people unless we have a direct connection with New York.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. LOUD. Mr. Chairman, I yield ten minutes to the gentleman from Iowa [Mr. MCPHERSON].

Mr. MCPHERSON. Mr. Chairman, I am one of the members of the Post-Office Committee, representing an Iowa district, and I joined in the report recommending the passage of this bill, including the item under discussion. The Post-Office Committee is a nonpartisan and a nonpolitical committee, and at no session of the committee during this session of Congress have party lines been drawn on any question.

It is most amazingly strange to me that these facilities—special mail facilities—for the benefit of the South, with every Northern member of the committee urging the provision—that we should find the appropriation being opposed only by three gentlemen on the floor of the House, and all of them from the South. And, Mr. Chairman, I am very willing to believe that these three gentlemen who dissent from the provisions of the bill to which I am now referring do not represent the sentiment of the Southern people upon the question at issue.

This measure is not of the slightest concern to me personally, or to any of the people whom I represent, or with whom I am acquainted. But gentlemen came before the committee, and members of the committee urged, and the showing was made that without this appropriation, while the same number of trains was sought to be run, the same time-table could not exist, and that these mails would not be distributed over the South generally with the facilities that they have enjoyed for some years past, and which they will continue to enjoy if this appropriation is ingrafted into the law.

The reason I favor this particular appropriation is that it is my judgment that the South needs and wants the service, and in my judgment the South is entitled to it, and hence we have all, as a committee, with four exceptions, agreed that the appropriation ought to be made.

Mr. BROMWELL. May I correct the gentleman? I did not join in the minority report, but the gentleman knows that I have persistently opposed this appropriation.

Mr. MCPHERSON. I modify my statement. I had forgotten that fact. There were three members from the South who signed the minority report, and the gentleman from Ohio [Mr. BROMWELL] dissented at the time from this appropriation, although he did not join in the minority report. Now, if the South does not want these facilities, we of the North certainly ought to have no concern about it. If the South does not want these facilities, then, so far as I am concerned, I shall be perfectly satisfied to have the amendment prevail and the appropriation go out. But I voted in committee in favor of this appropriation, and am now trying to support it by argument, because I have tried to be consistent during my membership on this Post-Office Committee.

How two of the three dissenters can reconcile their present position with their position a few weeks ago is not for me to say, but for them to explain, if they can. One of the dissenters, the gentleman from Texas [Mr. BURKE], has been perfectly consistent. When the Loud bill was before this House a few weeks ago he took the position that this large deficit should be remedied by carrying into effect the reform that that bill sought to accomplish, but the other two dissenters were then insisting that this deficit should not be stopped in that way, but that those frauds should go on under the pretense of serving the people of the South by distributing matter carried as second-class mail matter. Here to-day we find them opposing this appropriation, upon the ground that our deficit is already too large.

I have favored this proposition, as I favored the passage of the Loud bill, for the reason that, in my judgment, as the postal system has been operative now for more than a century of time, it ought now to be reformed so that the people in all sections of this country can have legitimate mail matter carried and distributed by the most convenient methods, with the utmost speed to all sections of our country, North and South alike. That is the reason why I voted as I did; and I care nothing whether the yeas and nays are called on these propositions, or whether they are not. In committee I voted for the appropriation for the pneumatic-tube service, not because it is of any interest to me, but because I believed it to be for the interest of the postal service. Supplementary to what the gentleman from Massachusetts [Mr. MOODY] said upon yesterday, I want briefly to allude to that proposition, unless it be thought that the time has gone by for discussing it.

I want to call attention to the fact—and I exceedingly regret that the gentleman from Massachusetts [Mr. MOODY] is not in his seat—that this nonpartisan Post-Office Committee is made up of 18 members—17 Representatives and the Delegate from New Mexico. I want further to call the attention of that gentleman to the fact that there are but five members of the Post-Office Committee living in cities that could ever possibly hope to have the benefit of the pneumatic-tube service; and I want to call the attention of this House and the gentleman from Massachusetts [Mr. MOODY] to the fact that in the State of Iowa, from whence I come, we have no hope to have a pneumatic-tube service, and neither want nor need such, and it will not do for the gentleman to argue that this appropriation was reported to this House by reason of the benefits that were to go to certain cities.

Mr. GAINES. Will the gentleman allow me to interrupt him?

Mr. MCPHERSON. Certainly.

Mr. GAINES. I have been listening to the gentleman for some time and did not wish to interfere with the course of his argument. What I wish to ask the gentleman is this: Reference has been made by him to the effect that this fast mail train will be discontinued if this subsidy is stopped. Can the gentleman cite any testimony before the committee to that effect? I am, and others about me are, very anxious to get this evidence.

Mr. MCPHERSON. I can not refer to the particular testimony, but it was distinctly stated and represented before our committee, and especially, as I recall, by the gentleman from Virginia [Mr. SWANSON], who claimed to have information, that the schedule would be changed back to where it was. I was urging before the committee that for the life of me I could not, for the time being, see any reason why there should be an appropriation for the run between New York City and Washington, and I was answered with the statement, which seemed to me a complete and satisfactory answer, that there were no benefits asked as between New York and Washington, that the $25,000 for that portion of the line cut no earthly figure, and that the Pennsylvania Railroad much preferred to have it cut off rather than to have it retained; but that with that cut off the connections were destroyed, and we might just as well not undertake to have this increased facility from Washington to New Orleans.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LITTLEFIELD. I suggest that the gentleman from Iowa [Mr. MCPHERSON] have unanimous consent to extend his remarks.

Mr. LOUD. Unanimous consent has been given to all members to extend their remarks in the RECORD.

The CHAIRMAN. If no member desires to be heard, the Clerk will read.

Mr. MOON. I yield ten minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS of Mississippi. Mr. Chairman, I think the attempt to turn the advocacy of this appropriation into a tune of

"Hurrah, for Southern rights, hurrah!" will fall by the wayside. This appropriation does not go to any Southern people anywhere upon the surface of the earth. It is an appropriation of $172,000 which goes into the pockets of the members of a railroad syndicate who reside partially in New York, partially in Great Britain, and partially in Germany; so that even if an appeal could be made to me to indorse what I believe to be a job and a wrong upon the ground that it was a Southern job, that appeal could not be made in this particular case.

Here, Mr. Chairman, we find all these propositions hanging together. Here is an appropriation for a railroad that runs down South and for one that runs out West. Here was the pneumatic-tube proposition that has gone out; and you will find as a rule that the man who is in favor of one will favor all three, and that they have formed a sort of inside combination for the purpose of overruling Congress and putting money into the pockets of these interested parties.

I am opposed to this proposition for two reasons. First, because it is fundamentally wrong. If you could prove that some of my constituents receive the mail a few hours earlier by this appropriation I would still oppose it, because I deny the right of any section of the country to receive special facilities at the expense of the entire country. Then I oppose it because it has not yet appeared to my satisfaction that it does any good.

Now, Mr. Chairman, in one part of Mississippi we have this subsidized line, running over from Birmingham, Ala., to Greenwood, Miss. In another part of the State we have the Illinois Central Railroad line. The subsidized line gives the poorer mail service, the slower rate of the two roads—that part of it which runs to Greenwood, Miss., from Birmingham, Ala., across the State.

Mr. KLUTTZ. Is that a part of the main line to New Orleans?

Mr. WILLIAMS of Mississippi. It is a part of the subsidized road.

Mr. KLUTTZ. Is it a part of the main line from Washington to New Orleans?

Mr. WILLIAMS of Mississippi. No; of course it is not. It is clear out of the way of New Orleans, but is a part of the subsidized lines. Now, then, Mr. Chairman, the gentleman says, "we of the South here ought to stand up for what rightfully belongs to the South." I hope that we always shall. To stand up for what the South can rightfully demand is a totally different proposition to standing up for rights, privileges, and favors wrongfully lobbied for by the railroads. I do not see what the two things have to do with the other. Now, it is attempted to be shown that the basis of the real prosperity of the South was this railroad subsidy of $172,000 a year. That is a little too absurd a proposition for discussion. If the South is to have any real prosperity at all, it is to come from its best manhood, its womanhood, its industry, and intelligence. [Applause.]

Its prosperous condition is owing to the fact that it has brought the mills nearer to the cotton fields and is able to manufacture the heavy cotton goods that are imported into northern China and Korea at a cheaper rate than the world ever knew before and can undersell Great Britain and all the rest of the world. The delivery of the daily RECORD at the town of Tupelo an hour earlier will not affect the prosperity of the South, upon my honor, I believe, 10 cents' worth. The argument ex abuso will not do. Because there are other provisions in this bill that are wrong we ought not to let this special wrong go any further unrebuked. Yesterday you started well. You got the pneumatic-tube appropriation out of the bill; now get the other out, and destroy the combination as far as you can. Then I agree, even if my friend from Alabama or anyone else wants to go further and strike what I believe to be a partial job out of the ocean mail service, I will go with them and do that. Take each one as it comes up.

I heard a former colleague of mine four years ago make a demonstration satisfactory to my mind that this service did not really expedite the mail to any part of the South. But let that rest as it may, Mr. Chairman, I shall not go into all that question. The gentleman from Alabama admits, and it is very strong—the gentleman from Alabama himself admits—that if this appropriation is cut off this very train that carries this mail will still go on carrying the mail, as now. The admission is fatal to the entire argument, and nothing further need be cited except to cite that alone. That ought to settle the question of making this appropriation. One gentleman on the other side——

Mr. COWHERD. The gentleman from Alabama does not seem to be present. You do not mean to misquote him, I know.

Mr. WILLIAMS of Mississippi. Certainly not.

Mr. COWHERD. The gentleman said that the train would go on to Washington, but they could not make the connection.

Mr. WILLIAMS of Mississippi. I listened to the gentleman very carefully, and he admitted that this train would still run; and if I am wrong in that, I will correct it in the RECORD. I listened to him very carefully.

Mr. BROMWELL. The train that connects with this train that leaves at 11.15 is a train that brings the mail from New York between midnight and 4 o'clock. It is entirely newspaper mail, and has but little mail that comes from New England.

Mr. WILLIAMS of Mississippi. A gentleman on the other side——

Mr. KLUTTZ. I beg to correct that statement. I live along the line of the Southern Railroad, in North Carolina, and I know that we get letter mail from New York.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I shall have to insist on the rule that gentlemen address the Chair and ask my permission to interrupt. A gentleman on the other side said the most astonishing fact was that objection should be raised to this appropriation by Southern men. Why, I hope we have not reached that stage yet in the decadence of the South that it is to be a remarkable or unusual thing that Southern men should object to anything that they consider wrong, even if it be a wrong profitable to the South herself. I believe that the greatness of the South in the past has been due to the fact that it has stood for fundamental principles, and if we have any glory in the Union—and sometimes I fear we have something like Ichabod, the day of our glory seems passing—if we have any glory in the Union it is in the Southern statesmanship, which has shown that the best aspiration of the South has never been that its statesmen should flicker from fundamental principles for the purpose of obtaining temporary advantages. [Applause.]

Now, Mr. Chairman, this is our first opportunity to break up these things. We won the preliminary skirmish yesterday when we killed the pneumatic-tube job, and I hope we will go right on with the glorious work and go on to conquer throughout the whole time.

Now, Mr. Chairman, in that connection, what do the railroads already get without any special subsidy? A great deal has been said about economy in the postal service of this country. There ought to be economy, not in the way of cutting off the reading matter of the people to an undue extent, not economy in the way of refusing the people in the rural districts the opportunity to get mail once or twice a week by free delivery, but economy where there is evident injustice. Now, what does the minority report of the committee say?

> We are satisfied that the main cause of the deficiency in the revenues of the Post-Office Department is largely due to cost of transportation allowed and paid to railroad companies on inland mails.
>
> These companies very properly secure the best terms they can from the Government to perform this service. We ought to pay them such price as will secure to them just and liberal profit commensurate with the risk and obligations assumed by them. We ought not to pay more than this. Your attention is called to the excessive pay for transportation of mails, not with the view of striking out this item of the appropriation bill, for that could not be properly done at this time under contract relations between the carriers and the Government, but that some action may be had by Congress before the beginning of another fiscal year.
>
> We pay an average, as shown by the Postmaster-General's report, for carrying the mails, of 8 cents per pound.
>
> The best estimate to be made from the proof on the hearings on this question is, that the actual expense to the transportation companies in carrying the mails is about 1 cent per pound, and that the express companies (which we are informed pay about 40 per cent of their earnings to railroad companies for hauling their cars) underbid the Government on second-class mail matter, and carry it at less than 1 cent per pound on hauls of less than 500 miles, and still make a profit.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. MOON. I will yield the gentleman three minutes more.

Mr. WILLIAMS of Mississippi. Now, I want to put in some other things in this connection. I want to read this further from a report of the minority:

FACTS OF GROSSLY EXCESSIVE PAY TO RAILROADS FOR HAULING UNITED STATES MAIL.

Fixed rate for haul of 200 pounds of mail, average distance, a mile (265 days)	$94.77
Commutation rate for haul of one passenger and baggage (365 days), average distance, a mile	2.07
Commutation rate for haul of 200 pounds first-class freight, average distance, a mile	1.37
Fixed rate for haul of 300,000 pounds of mail, average distance, a mile	7,317.00
Commutation rate for haul of 300,000 pounds of passengers and baggage (365 days), average mail distance, a mile	3,121.02
Commutation rate for haul of 300,000 pounds first-class freight, average mail distance, a mile	2,048.76
Annual revenues of a passenger car	10,528.00
Annual revenues of a mail car	15,586.00
Decline in freight rates since 1878	per cent.. 35
Decline in passenger rates since 1878	do..... 17½
Decline in mail rates since 1878	Nothing

Now, our own employees handle the mail, and the railroad has nothing to do with it except to furnish us the standing room for them and for the mail.

Now, a special committee of this House was appointed for the purpose of investigating this matter and making a report to this House. That committee has never made any report, but we all understand——

Mr. LOUD. Will the gentleman from Mississippi allow me? I have branded the statement the gentleman has just now repeated as false, and permit me to do it again. I mean that the reduction

of the mail rates has been greater than passengers, and only 2 per cent less than freight rates during the same period.

Mr. WILLIAMS of Mississippi. I have before me the minority report of the Committee on Post-Offices and Post-Roads. The gentleman brands the statement I have just read from that minority report as false.

Mr. LOUD. That is true; I have.

Mr. WILLIAMS of Mississippi. I have nothing to do with the question of veracity between the gentleman and the fellow-members of the committee. I am well acquainted with the gentleman from California and have the highest regard for his veracity; but I hope the gentleman will not charge me with lèse-majesté or treason if I say that I have equal confidence in his fellow-members.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. LOUD. Well, I will yield the gentleman one minute for the purpose of telling him that the quotation he has read was never taken from the Postal Commission at all.

Mr. WILLIAMS of Mississippi. I did not say that it was.

Mr. LOUD. Neither does it bear any truth upon its face. For the gentleman's information I will give him the reduction——

Mr. WILLIAMS of Mississippi. I shall ask an extension of my time, Mr. Chairman.

Mr. LOUD. Well, the gentleman's time has expired and he is talking in my time now. [Laughter.]

Mr. WILLIAMS of Mississippi. I did not know that; I was yielded further time by the gentleman from Tennessee.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. WILLIAMS of Mississippi. Well, one minute further, because I do not want any misapprehension. I have not quoted from the report of that commission at all. The gentleman misunderstood me. I spoke of the commission and was going on to say that it had not made any report, but it was publicly noised abroad that in general they had come to the conclusion that the main reason for a deficiency in the postal service was the too great amount of money paid for railway transportation. I will ask the gentleman from California if that is not true?

Mr. LOUD. The Postal Commission has come to no conclusion.

Mr. WILLIAMS of Mississippi. And made no report.

Mr. LOUD. It has not.

Mr. WILLIAMS of Mississippi. I have read from the figures which I took to be true; and I shall continue to take them to be true, notwithstanding anything the gentleman from California may say, unless he first proves to me that his fellow-members of the committee have taken figures as official, and published them, which are not official.

Mr. LOUD. Now, Mr. Chairman, I will take one minute to put the accurate figures in beside the gentleman's figures. The passenger mileage has increased 224.65 during the period the gentleman mentioned; freight ton mileage has increased 313.01 per cent; mail ton mileage, 555.48 per cent. Passenger rates during the same period have decreased 21 per cent, freight rates have decreased 41 per cent, and the mail rate has decreased 39 per cent.

Mr. WILLIAMS of Mississippi. This report says there has been no decrease. I do not know what is the fact.

Mr. BELL. Will the gentleman from California allow me to ask him a question?

Mr. LOUD. Yes, sir; a short one.

Mr. BELL. Is it not a fact that the mail rate, if reduced, must be reduced by an act of Congress, and that no act of Congress has been passed since 1878?

Mr. LOUD. No. The very act which has been in existence since 1873 is reductive by its own operation and requires no further act of Congress. Just the same rule applies in this case as applies to the carrying of freight and passengers. The more business these companies do, the cheaper they perform it: the more mail a railroad carries, the less money it gets per pound.

I can not take up any more time on this question, because I have agreed to yield the balance of my time to gentlemen who want to support this measure. I yield ten minutes to the gentleman from Missouri [Mr. COWHERD].

Mr. COWHERD. Did the gentleman say ten minutes?

Mr. LOUD. That is all I can yield the gentleman, as I find upon an examination of my list.

Mr. COWHERD. Mr. Chairman, this matter is one of great personal interest to me. It is one that the people I have the honor to represent believe to be vital to their welfare. I ask of this House at least the courtesy of a fair hearing.

Two gentlemen have arisen on this floor and said that this appropriation is fundamentally wrong. Yet one of those gentlemen was on a committee that brought in an appropriation for the distribution of a certain vaccine matter in order to help a particular class—a proper appropriation, in my opinion, yet how can the gentleman say it was not "fundamentally wrong?" Another gentleman favored an appropriation taking money out of the Treasury for a Government reservation, and others favor appropriations for building post-offices in towns where there are no United States courts or officers, and these are not "fundamentally wrong." I submit to this House that all these appropriations are more properly within the characterization of "fundamentally wrong" than an appropriation that facilitates the mail.

Gentlemen, what is our duty here with regard to appropriations? It is to distribute them in such a way as will best promote the general welfare. Is it not? We appropriate money to deepen our harbors—not because we want to help New Orleans or New York or Boston. I vote for such appropriations not because the people I represent do business with all those ports that receive aid, for with some of them they do no business. We support such appropriations in order to promote the general welfare. Now, I state here as a fact that never a dollar is expended under an act passed by the Congress of the United States that does so much to promote the general welfare as the money which is expended to improve the mail service of the United States.

Gentlemen say: "What difference does it make whether you get your mails once a week or twice a week, once a day or four or five times a day?" Why, gentlemen, you can no more return to the old method of getting mails once a day in the great business communities than you can go back to traveling up the Potomac by the canal that runs by the side of it. I say—and I believe no man can refute the statement—that if you stop the present method of receiving mail in the great cities and put them back to one delivery a day, or if you will even go back to where you were a generation ago and transport the mails over the railroads at the rate of 15 or 20 miles an hour, you will in six months bankrupt every great business organization in the United States.

I say, further, that this little $25,000 appropriation that we ask is paid for, in my opinion, every day in the year by the savings of the commercial men of the country who by reason thereof receive their mails twelve hours earlier and thereby save one full day on their discounts and interest at the banks. Talk about "subsidies!" Why, sir, every time you fight a fast mail you are working for the benefit of the banks and the telegraph companies. Every time you facilitate the mail service to the extent of one hour, you are taking something away from the interest that the banks have gathered from the people and the tolls that the telegraph companies have taken.

Gentlemen talk about "subsidies;" and almost every man who hears that cry, especially if he represents a district where there are no great cities, is inclined to "take to the woods" at once. I state here that every free rural delivery in the United States is "subsidized," in the sense that this is a subsidy.

My distinguished friend here from Mississippi [Mr. WILLIAMS], who has used that word so frequently, is one of the best friends of such "subsidies." I honor him for it because I believe in the rural free delivery, but they are not self-sustaining. This rural mail delivery is "subsidized" by the Government in the sense in which he uses the word; they could not be carried on otherwise. Why, sir, the star routes of the United States are "subsidized." I venture to say that my distinguished friend has in his district dozens, aye, hundreds of post-offices, that are maintained for the benefit of his people by a "subsidy." Who pays that subsidy? The people of my city give their full and generous share.

Mr. WILLIAMS of Mississippi. Have you not free delivery in your city?

Mr. COWHERD. Yes, sir; and that city pays out of the receipts of local mails originating in the city and delivered to citizens of that city—never getting outside of it—every cent of the cost of its free delivery, and turns over in addition a large contribution to the general fund of the Post-Office Department. You can not charge that this is any tax upon the other sections of the country, for this service more than pays all its expenses, and there was turned in last year from the post-office of that city $432,213.86 to help take care of your free delivery and your subsidized post-offices. [Applause.]

And yet, Mr. Chairman, when we come to ask 5 per cent of this amount, not for the benefit of any railroad company, but for the great commercial interests of the people—commercial interests that are essential to a million and a half of our people—gentlemen rise on the floor of this House and cry out "Subsidy! subsidy!" when their districts draw $10 subsidy for every dollar that is asked here in this appropriation.

I have two letters here which I desire briefly to refer to and will publish in the RECORD. One of them is from a Democratic postmaster and the other by his successor, a Republican postmaster, of Kansas City, both of them bearing upon the same subject. I ask the attention of the House to them. The first writes:

KANSAS CITY POST OFFICE, OFFICE OF THE POSTMASTER,
Kansas City, Jackson County, Mo., January 25, 1898.

Hon. W. S. COWHERD, M. C.,
Washington, D. C.

SIR: In response to your request for information covering the value of the fast mail from here to Newton, Kans., leaving at 2.30 a. m. daily, will say this service accommodates over one and a half millions of people. This train

overtakes, at Newton, the night train leaving here at 9.20 p. m. on the Santa Fe road. At Newton the regular train is split up, one train going to Galveston and the other into western Kansas. In addition to Kansas City mail, the fast mail train carries mail from Omaha and connections and also mails from the South, arriving after departure of regular night trains. The accompanying map will show country covered by the new service.

In addition to making connections of great value to the service in the West, this train facilitates the commercial mail of this city almost beyond calculations. The crush of mail in the evening for years has been such that it has been impossible to work it up for evening trains. As a result a great volume of mail was continually held here over night. In the morning, again, the collections were so heavy it has been impossible to work up morning collections of mail for morning trains. As a result part of the great volume of local mail has been delayed in office twelve hours because of former conditions.

Congress in providing money, and the Department officials in establishing this service, brought greatly needed relief. The schedule time of the train is over 42 miles per hour, total run being 204 miles, which is understood here to be the fastest in the Railway Mail Service. In establishing the service in the beginning of the fiscal year the Department arranged a midnight collection of mail in this city. In this way all local mail accumulating, together with incoming mail, is made ready for the early morning service.

The Newton train over the Santa Fe gives service twelve hours earlier to over half of Kansas, practically all of Oklahoma, the western part of the Indian Territory, and central Texas, to Galveston, making valuable connections in that State.

Very respectfully,

HOMER REED, *Postmaster.*
By C. SEIDLITZ, *Assistant Postmaster.*

Here is another letter from a Republican postmaster, a successor to the one I have just referred to. Both of these men are Government officials not working for any political end, but endeavoring to do for the people what is best for them and for the best interest of the service:

KANSAS CITY POST-OFFICE,
OFFICE OF THE POSTMASTER,
Kansas City, Jackson County, Mo., January 21, 1899.

SIR: Yours of recent date concerning the value of fast mail west from here received. There can be no question as to its importance to the central West, the West, and South. On coming into office I found this service, and have no hesitation in saying that it has relieved the congested condition of the mails beyond calculation.

What is known as the western fast mail out of Kansas City leaves over the Atchison, Topeka and Santa Fe at 2.30 a. m., and at 7.10 a. m. overtakes the west bound train which leaves Kansas City at 9.40 p. m., 204 miles west, at Newton, Kans. At this point part of the train goes west and part to Galveston. The service throws mail from Omaha and the Northwest, from Memphis and the Southeast, into the West and Southwest at least twelve hours before time of delivery by former schedule.

In addition to mail accumulating at this point from other sections after the departure of the evening trains, the volume of local business is constantly increasing. The crush of local mail is beyond calculation and surpasses the ability of the Department to handle it. It is utterly impossible for the local office to collect and distribute the evening business in time to reach the early evening outgoing trains. Hence it is that for some years prior to the establishment of this service a great volume of the afternoon mail was delayed until next morning. Piling up on this comes the morning commercial mail, which was in consequence neglected, and this was held back from morning trains and was not disposed of until the departure of evening trains.

This congested condition of the mail service hampered the service and restricted the income from the same until relief was afforded by the establishment of improved facilities. The relief provided by Congress, and the execution of the same by the Department, has been of incalculable value to the postal service in this section. In this immediate vicinity it serves efficiently and well one and a half million people with important business mail, and this does not include many of the extensive Western and Southern connections.

The local and outside accumulation of mail at this point originally suggested and continues to demand the present railway mail service.

Very respectfully,

S. F. SCOTT, *Postmaster.*

HON. W. S. COWHERD,
Member of Congress, Washington, D. C.

I hold also in my hand, Mr. Chairman, resolutions which were unanimously adopted by the Commercial Club of Kansas City on the 31st of January of last year. This club represents a larger business interest than any other club of the same character between St. Louis and San Francisco. It has no connection with politics in any sense of the word. It is simply a representative club of the business men of the city. It has no connection with the railroads in any way, but one object of its existence is to maintain a transportation bureau, whose business is to keep railroad rates at a reasonable figure, to keep down freight rates. I will insert the resolutions in full. They are as follows:

THE COMMERCIAL CLUB OF KANSAS CITY,
EXCHANGE BUILDING,
Kansas City, Mo., February 3, 1899.

DEAR SIR: The inclosed are resolutions adopted by the Commercial Club at their meeting on January 31, 1899.

Yours, truly,

E. M. CLENDENING,
Secretary.

Resolutions unanimously adopted by the Commercial Club of Kansas City January 31, 1899:

Whereas the former action of Congress in providing improved mail facilities for the West and Southwest, thereby enabling the business men of Kansas, Oklahoma, Indian Territory, and Texas to receive their mail from all Eastern points from twelve to sixteen hours earlier, has been of the greatest benefit to all the business interests of the Southwest; and

Whereas this action of Congress has provided the means by which more than 1,500,000 people in Kansas, Oklahoma, Indian Territory, and Texas are directly reached; and

Whereas the former congested condition of all Western mails, caused by the unsatisfactory hours at which they were forwarded from Kansas City, has been relieved by the provision for an early mail from Kansas City west to Newton and its connections south and west: Therefore, be it

Resolved, That the Commercial Club of Kansas City takes this method of expressing its appreciation of the steps taken by Congress to improve the mail facilities in the Southwest and to respectfully petition that the present satisfactory conditions be maintained.

Resolved further, That the thanks of this club are extended to Senators and Representatives whose appreciation of the necessity for improved mail facilities in the West has resulted in the present conditions.

Now, Mr. Chairman, let me state briefly the conditions which confront us. I can not go fully into the matter, of course, in the very brief time allotted to me. Instead of this being an appropriation for the benefit of the railroads, as has been suggested here, when this appropriation was originally made we went to the railroad companies and asked them to put on this fast train, leaving at the hour and running at the speed necessary to serve the convenience of the public. We were informed that they could not do it at the price which was offered. The Santa Fe road at first refused absolutely to put on a train for this additional compensation.

After urging the Second Assistant Postmaster-General to establish the service, and, as I remember it, at his suggestion, the Santa Fe road was asked to make a bid for the service. They bid $50,000 annually more than the law allowed, and asserted that they could not undertake to run the train and to make the time required at a less rate. They claimed that they would lose money even at that. But the train was finally put on because the merchants of Kansas City, who furnished the road with its business, demanded it of them, and the road had to yield finally to their wishes. And yet gentlemen call this a "subsidy" for the railroad!

The CHAIRMAN. The time of the gentleman has expired.

Mr. COWHERD. I would be very glad if the gentleman could allow me a few minutes longer.

Mr. LOUD. I find that I have two minutes which I can spare to the gentleman.

Mr. COWHERD. I think the gentleman from Michigan [Mr. WM. ALDEN SMITH] the other day coined a very happy phrase when he said that the Post-Office Department was the "clearing house of commerce." I agree with him in that regard. I want to say to the gentlemen here, who have been talking of the postal service and the expenditures therein, that it should be remembered also that that is the one governmental service that is practically, or very nearly, self-sustaining. It is the service that comes more directly in communication with the people than any other. You can vote appropriations for a hundred million dollars for a Navy. You appropriate still more for the Army, and yet you continually oppose improvements in this service which comes directly to the homes of the people and is for their benefit and convenience.

It is a service, as I have said, that practically pays for itself. It is a service that goes to every homestead in the land, and every man, woman, and child in the United States, all are interested in it, every day in the year; and I warn gentlemen now that you can not lay your heavy hands upon it and throttle it; you can not force the people to go back to the time of the old canals and the slow stage coaches for their mail service and sustain yourselves before your people. I say to you they will not stand for it. This service is dearer to their hearts than any and all others performed by the Government.

This service not only carries on the commerce of the country, but it carries up its standard of intelligence and education; and in behalf of a community that turned in more than $400,000 net revenue last year from its post-office, in behalf of a million and a half of people who received almost nothing from the Government except what they get through the postal service, I appeal to you to give us back this small proportion of the money we gave, in order that our commerce may be benefited, in order that our mails may be expedited, in order that we may stand at our own door or on equal footing with the great cities, our rivals, that lie to the East, and whose mail is expedited, as ours should be. [Applause.]

[Here the hammer fell.]

Mr. LOUD. I yield ten minutes to the gentleman from Pennsylvania [Mr. BINGHAM].

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BINGHAM] is recognized for ten minutes.

Mr. BINGHAM. Mr. Chairman, the gentleman from Mississippi [Mr. WILLIAMS] has seen proper to quote the views of the minority. He did not read the preceding words of the statistics which he submitted, which I will read for the information of the House:

While the Postal Commission have not reported, yet the press credits their statistician, Professor Adams, as the author of a report, based on proofs taken before the commission on the question of transportation, which we quote, as follows—

And throughout that statement, based simply on "press reports," gentlemen submit to this House a body of statistics which the chairman of the committee [Mr. LOUD], familiar with the information contained in the official report, declares to be incorrect, and I trust when I make to this House that which the House gave me authority to submit yesterday, a statement pertaining to inland mail transportation, I will be able to prove that the deficiencies in the postal service are due to an entirely different cause.

I make this statement in view of the report of the Second Assistant Postmaster-General, of a reweighing of the mails from October 3, to November 6, 1899, which shows the fact that the free mail transportation made on behalf of the Government under the law creates a deficiency of upward of $19,000,000 per annum.

In other words, if that great customer of the postal system, the Government, should pay the rates that you, I, and everyone else have to pay, the Government would have to pay upward of $19,000,000 in the way of postage for matter which it transmits free, according to the weighing of five months ago. I believe every one of the details contained in the statement quoted by the gentleman from Mississippi [Mr. WILLIAMS] can be refuted, and I shall endeavor to refute them in the main.

Mr. WILLIAMS of Mississippi rose.

Mr. BINGHAM. I hope the gentleman will not interrupt me. I have not questioned his integrity of statement. I have simply questioned the authority of the statement which he quoted as being based on "general press reports," which words signify nothing.

Mr. WILLIAMS of Mississippi. This does not purport to be the general press. It purports to be a statement by Professor Adams.

Mr. BINGHAM. It is what the press says that Professor Adams has said.

Mr. WILLIAMS of Mississippi. Has not Professor Adams, the statistician of the commission, made any report?

Mr. BINGHAM. The allegation is simply on the part of the press that Professor Adams says so and so. Professor Adams does not say so and so.

Now, as to these special facilities: The Department takes before it the question, "How shall we transmit mail on a certain line or route between New York and New Orleans? Given at the same time a knowledge of how all the mails are transmitted, how can we by the use of this appropriation economically and efficiently facilitate this transportation?"

They do it in this way: The Post-Office Department makes up a schedule itself. It has the benefit of all the trains which run between these points, and it endeavors to ascertain where the service can be facilitated. I know of no better authority than the gentlemen along the line of the route as to the wisdom of Congress in making this appropriation, and the gentleman who has just spoken [Mr. COWHERD] has gone into full details with reference to the route to Kansas City, and other gentlemen will go into details as to the general route to New Orleans. I accept their statement.

Now, why do we have 80 trains from New York to my city of Philadelphia, carrying the mails every twenty or thirty minutes during the twenty-four hours of the day? Why does the Department do that? First, because the law allows them to do it; second, because in my city of a million and a half, and in greater New York, where there are three millions and a half, there are a sum total of 5,000,000 people—greater than the population of any other State in the Union except the States of Pennsylvania and New York. Those two cities interchange their mails continuously, expeditiously, and frequently. Why? Because of the commercial and industrial requirements of the business of those two great centers—larger, I say, than any States of the Union save the two that I have indicated.

These requirements demand the immediate delivery of all their mail in order that their business may be healthy, strong, quick, and certain. They do that under the general statute. If there were a hundred trains running between here and Philadelphia and New York, it would under the law be within the power of the Department to carry mail on every one of those trains. These are the two cities, with Chicago and the several other great cities, that render you your revenues. I have stated before that I have no objection, for the convenience of the people in their mails, to giving fair facilities in any section. I have none whatever to rural free delivery. I say again, as I have stated before, that it should be graduated and limited by statute.

I think, Mr. Chairman, that the people residing and enjoying mail facilities along the line of a railroad should be authority for this House to act, and if they come in good faith to us and say the business interests along the line need and require the service, that it is more expeditious than the general mail transportation, to my mind, and with my vote, not only upon this question but upon every other question that indicates expedition, it shall at all times be given, without regard to section or community. [Applause.]

Mr. LOUD. Now, Mr. Chairman, I will ask how the time stands between the two sides?

The CHAIRMAN. The gentleman from California has thirteen minutes and the gentleman from Tennessee has twenty-six.

Mr. LOUD. The gentleman informed me he had only fourteen minutes. If the gentleman has twenty-six minutes, I think he ought to consume some of his time.

Mr. MOON. Will you use some of your time?

Mr. LOUD. I would rather the gentleman from Tennessee used some of his time, if he has twenty-six minutes. I think there must be some mistake, for the gentleman said that he had but fourteen minutes.

Mr. MOON. I will yield ten minutes to the gentleman from Ohio [Mr. BROMWELL].

Mr. BROMWELL. Mr. Chairman, I do not know that I ought perhaps to take the time of the House to add any further to what I said in the general debate on this subject. I made a statement in the general debate bearing on this particular phase of the bill, because I feared I might not have an opportunity to discuss it in the two hours that were to be specially devoted to it.

I want to call the attention of the House to just a few facts in connection with this subsidy during the ten minutes that I have now allowed. I understand the gentleman from Tennessee is going to be kind enough to give me the remainder of his time following the gentleman from Virginia [Mr. SWANSON], who is going to talk next.

First of all I want to make this statement clear to the House that from the time the original grant was made of this original facility subsidy the Post-Office Department have absolutely refused in every instance to recommend their continuance. Let me quote to you from the report of the Postmaster-General for the last year, and the language is substantially the same in every report, running back for nearly ten years. He says:

> In submitting the estimates for several years past this office has declined to include the item of special facilities for reasons heretofore stated, but appropriations, however, have been made.

Then he gives a table showing how this subsidy has been expended. When I referred to this fact on the first day of the debate on this bill, one gentleman said, "How does it come, then, if Post-Office authorities refuse to recommend this appropriation; and how does it come when in their hearing before the commission that they think it does the general service of the country detriment rather than good, that they go ahead and expend this money, although by the terms of the bill it is placed within their discretion?"

The Assistant Postmaster-General, in reply to that very question, put to him by the gentleman from Massachusetts [Mr. MOODY], as stated in the general debate the other day, said:

> Although on its face it appears to be a discretionary power, yet when Congress, after full debate year after year, has put this provision in the bill and made this appropriation, the Post-Office authorities can not construe it otherwise than as indicating the wish of Congress that it shall be spent, and have understood it as mandatory.

Yet every utterance of the Assistant Postmaster-General, and the Postmaster-General, where he has made one, has been against the continuance of this subsidy. Now, I am not surprised that gentlemen who advocate this subsidy and who live largely along the line of these two railroads should be interested in keeping it in the bill. The influence of a great railroad corporation is known to every member of this House, not only the influence of the officers of the road, but the working force; and we all know——

Mr. COWHERD. May I ask the gentleman a question?

Mr. BROMWELL. I do not wish to yield at this time, and perhaps after I have made my statement you will not find it necessary. The gentleman from Kansas City speaks in defense of the $25,000 subsidy given to the train that starts from his city and goes to Newton, Kans. I am not surprised at it. The appropriation was put into this bill by a gentleman in the same locality, from a district in Kansas through which the train runs, a member of the Post-Office Committee. He found $25,000 of the original appropriation not being used. He thought it was a shame that the Government should save that $25,000 and suggested that it be put on the line running to Newton, Kans. He failed to get it on the bill in the House, because a point of order was made against it. He went to the Senate, and there the gentleman succeeded in getting it on the bill. When the bill came back with that amendment from the Senate, the point of order could not be made against it, and it has stayed on the bill ever since. I do not wonder the gentleman wants it continued. It helps the Kansas City newspapers to get out into eastern Kansas, and that was the sole and the only reason why this appropriation was put on.

The inference that might be drawn from the arguments of the gentlemen favoring this subsidy is that it is the sole compensation that these roads get for carrying the mails; in other words, that they carry the mail from Kansas City to Newton for $25,000, and the system starting from New York to New Orleans gets only $170,000 for the mails they carry. Let me state to the gentleman that the total amount that is paid for carrying the mail on these subsidized roads from New York to Philadelphia is $391,000; from Philadelphia to Washington, $307,000, making a total on the Pennsylvania system of $698,000.

The Southern road gets $318,000 for carrying the mail from Washington to Danville Junction, and from Danville Junction to Atlanta, $304,000; or, in other words, the Southern Railroad gets $722,000.

The Atlanta road gets $325,000, the Western Railroad of Alabama gets $54,000, and the Louisville and Nashville gets $186,000, so that this system of roads, including the $171,000 they get by the way of subsidies, gets an amount in full of $1,716,320 for carrying these mails. This is exactly shown in the table which follows, taken from the Postmaster-General's Report for 1899:

No. of route.	From—	Distance.	Ordinary annual pay for transportation.	Payment for postal cars.	Subsidy.	Total.	Name of railroad.
		Miles.					
109004	New York to Philadelphia	90.65	$310,255.97	$69,478.75	$11,331.25	$391,065.97	Pennsylvania, Philadelphia, Wilmington and Baltimore.
113001	Philadelphia to Washington	137.43	252,865.70	37,793.25	17,178.75	307,837.70	
114002	Washington to Danville Junction	238.20	231,563.74	57,168.00	29,775.00	318,506.74	Southern.
118013	Danville Junction to Atlanta	409.40	291,230.78	61,285.00	51,175.00	403,690.78	
121003	Atlanta to West Point	86.29	35,930.29	8,620.00	10,775.00	55,325.29	Atlanta and West Point.
124001	West Point to Montgomery	85.72	34,446.58	8,563.00	10,703.75	53,713.33	Western Railway of Alabama.
124012	Montgomery to New Orleans	318.27	114,570.41	31,827.00	39,783.75	186,181.16	Louisville and Nashville.
	Total					1,716,320.97	

Total length of subsidized lines, miles	1,365.78
Total subsidy	$170,722.50
Average subsidy per mile	125.00
Total compensation	1,716,320.97
Average compensation, nearly	1,257.00

Now, the great State of New York with its total mileage of 7,857 miles, nearly six times as great, gets only a little over two millions and a half for carrying all the mail over all the roads, or in other words, with a mileage six times as great as the entire length of this system, they get only one and a half times as much for carrying all the mails. The State of Pennsylvania with a total mileage of 7,038 miles, over five times as large as the length of this road, gets $30,000 a year less money than this system running through the Southern States. Illinois, with a total mileage of 10,316 miles, or seven and a half times as long as this system, gets one and a quarter as much money; and so I might go on and compare other States. Railroads greater in length, greater in extent, get only a very small amount comparatively, in some instances less than this system gets for carrying the mails. This system is being well paid for its service.

Now, a great deal has been said about the expedition and rapidity with which these trains are run. I want to say there are trains in this country making far greater speed which are not being paid any subsidies, trains making 50 miles an hour. On the New York Central and the Michigan Southern they average 38 miles an hour. I have selected a few roads at random. The distance from Washington to Charlotte is 380 miles. Train No. 35, the fast mail train, makes it in ten and a half hours, or about 36 miles an hour. Train No. 37 makes it in 35 miles an hour. I want to say that there are trains run over the Southern system that make faster time than the so-called fast mail train. Train 33 makes it in ten hours, or fifteen minutes less than the subsidized train. Train 31 makes the run in nine hours and forty minutes, or fifty minutes less than train 35, the subsidized train.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. GAINES. Before the gentleman resumes his seat, I would like to ask a question of the chairman of the committee.

Mr. LOUD. I have not the floor, Mr. Chairman, neither do I propose to take the floor on this amendment.

Mr. MOON. I will yield the balance of my time to the gentleman from Ohio [Mr. BROMWELL].

The CHAIRMAN. Does the gentleman from Ohio wish to reserve the balance of the time?

Mr. BROMWELL. The gentleman in charge of the opposition [Mr. MOON] has given me the entire time left to him, which is sixteen minutes, as I understand, and I will reserve that until after the other side has finished.

Mr. LOUD. I understand the gentleman wishes to consume all of his time in closing. I will therefore yield the balance of my time to the gentleman from Virginia [Mr. SWANSON].

Mr. SWANSON. Mr. Chairman, this matter should be treated entirely as a business proposition. There is an appropriation of $171,000 to facilitate the mail from New York to New Orleans. The only question for this House to determine is whether enough people are interested in it and whether the mail is sufficiently facilitated to justify the expenditure, and whether the facilities would be gotten if the appropriation did not exist. It seems to me this is the right way to determine this matter. Let us first determine the number of people interested in it. The people of New England, New York, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas are interested in this; also the mail of Cuba and Porto Rico goes by this route. Thus between fifteen and twenty million people are interested—certainly a sufficient number.

Now, I want to say if they could get this mail, and as well and speedily, without this appropriation, there is not a member in this House who ought to vote for it. If it does not facilitate the mail, there is not a man who ought to vote for the appropriation, because it is not right, just, or proper. That is a fair proposition. Everybody will admit that, from the number of people interested, this is a small sum of money to appropriate if the mail is facilitated.

The best way to test that is to see what the time was before the appropriation was made and what the time has been since. Now, they say it has increased gradually since. I want to give you the time-table one month after the appropriation was made for this special facility and one month before. I have here a letter from Mr. Shallenberger, the Second Assistant Postmaster-General, giving the schedule of trains before the appropriation was made and the schedule since. Take the town of Danville, Va., in my district. Formerly it took eighteen hours and fifteen minutes to take a letter from New York City to Danville.

Mr. GAINES. When was that?

Mr. SWANSON. That was the very month before the appropriation was made.

Mr. GAINES. What year?

Mr. SWANSON. That was in 1893. But immediately after the appropriation was made the time was reduced to thirteen hours twenty-five minutes. In other words, there was a saving of five hours in the commercial communication between Danville and New York—nearly all in one month—on account of this appropriation.

Take the town of Greensboro. It used to take nineteen hours and fifty-five minutes to carry a letter from New York to that town.

Mr. GAINES. How long does it take to go from here to Danville?

Mr. SWANSON. Leaving here at 11 o'clock, the train gets there about 5 p. m.

Mr. GAINES. Six hours.

Mr. SWANSON. That train makes, I think, only two stops in the State of Virginia.

Take Tampa, Fla. At Tampa is accumulated all the mail that goes to Porto Rico and to Cuba. It is shipped across from there. It used to take, according to the report of the Postmaster-General, fifty-five hours and thirty-five minutes for a letter to reach there; now it requires only forty hours and forty minutes—a saving of fifteen hours on all the Cuban mail and the Porto Rican mail, this expediting having been gained by this small appropriation of $171,000. The like reduction has been made all along the line. Now it is greatly reduced. At New Orleans, at Atlanta, at Danville, and all these places is accumulated the mail to be distributed to the other cities.

These are the only trains in the United States for which the Post-Office Department makes the schedules to facilitate mail, instead of permitting the roads to make for facilitating passengers. What is the effect of this in Virginia? I want to give you an illustration from my own State. This through mail train makes but two stops, I think, in the State of Virginia—one at Charlottesville and one at Lynchburg. The Department fixes the very minute that the train shall stop at Danville, the very minute that it shall stop at Lynchburg, the very minute that it shall stop at Atlanta. Thus the mail is expedited instead of the passenger business.

If you were the owner of a train running through Virginia, North Carolina, South Carolina—running from New York to New Orleans—would you be willing that that train should do practically no local passenger business—stop at none of these smaller stations to take on passengers—without being paid for it? What does this railroad line do? It puts on local trains to pick up passengers from station to station. The Postmaster-General says that this third train has been put on from Washington to New

Orleans to do the local passenger business so that the mails may be facilitated and expedited.

This appropriation is not for the benefit of a single road. By its terms it is intended to facilitate mail transportation from New York by way of Atlanta to New Orleans. There are three routes—one by the Seaboard Air Line and the other by the Atlantic Coast Line and the other by the Southern. Up to 1893 the Atlantic Coast Line had the contract under this appropriation. What did they do? In 1893 they came to the Post-Office Department and said: "We give up this contract voluntarily; we do not want it; we will not accept the appropriation and enter into the contract that you require of us to run our trains without stopping at these local stations."

The Department required that they should start a train from New York City at 4 o'clock in the morning. They said that under such an arrangement they would lose more upon the passenger traffic than they would make upon the mail transportation. That railroad line gave up this business voluntarily. As a result, the whole mail system of the South was demoralized, and the boards of trade in these cities finally induced the Southern Railway to consent to accept this appropriation and give this section this facility.

Mr. McCULLOCH. Why did the Government require a train to be started at 4 o'clock in the morning?

Mr. SWANSON. I will tell the gentleman. Under the general law governing this business the railroad company simply presents its schedule to the Department, and it puts the mails upon that line or not, as it pleases. But in the present case the railroad does not fix the schedule for this train; the Department fixes it. The Department says: "We will not pay you a cent unless you run on this schedule, the object of which is to facilitate mail transportation, not passenger traffic." And the Department fixes 4 in the morning in New York, because that is the best time for mail trains.

Mr. McCULLOCH. At what time would the train leave Little Rock?

Mr. SWANSON. It does not leave Little Rock, nor touch there. It leaves New York at 4 o'clock in the morning, as I have said.

Mr. McCULLOCH. Why should it not leave at 11 or 12 o'clock?

Mr. SWANSON. Because the Department, acquainted with all the mail connections, thinks that is the best time, and requires it.

Mr. McCULLOCH. Why should not the train leave earlier than 4 o'clock in the morning?

Mr. SWANSON. Because there is a fast through train leaving at 4 o'clock in the afternoon, and a great deal of the mail business accumulates after that time. The whole New England mail does not come in until after that train leaves.

Mr. GILBERT. You say that one company gave up this contract voluntarily?

Mr. SWANSON. Yes, sir.

Mr. GILBERT. And this other company assumed the contract?

Mr. SWANSON. The Southern Railway assumed it, but the other company could take it at any time they were willing to do so without this extra compensation.

Mr. GILBERT. Was there any additional compensation provided for the company now operating this business?

Mr. SWANSON. Not a bit. They received exactly the same that was formerly given. The company is fined if it does not make the schedule. They forfeit pay for the trip.

Mr. BARTHOLDT. Will the gentleman yield for a question?

Mr. SWANSON. Certainly, I yield to the gentleman.

Mr. BARTHOLDT. I desire to ask a question for information. I am not a member of the committee, and I am open to argument on this subject; but I heard my friend from Ohio [Mr. BROMWELL] state here a few minutes ago that there are three or four trains making better time than these subsidized trains.

Mr. SWANSON. There is only one other train from New York to New Orleans, and there used to be only one before this appropriation was made. The train that did not get the appropriation was the one that existed before this appropriation was granted, running from New York to New Orleans by way of Atlanta.

Mr. BARTHOLDT. Then the logical conclusion to be drawn from the gentleman's argument is that as a result of this subsidy, which I consider wrong in principle, the train runs faster.

Mr. SWANSON. Why, the train which used to take the place of this special fast train took eighteen hours and fifteen minutes to get the mail to Danville, the town in which I live. The Postmaster-General tells you that now it only takes thirteen hours and twenty-five minutes. It used to take fifty-five hours and thirty-five minutes to get the Cuban and Porto Rican mail to Tampa. Now it only takes forty hours and forty minutes, a saving of fifteen hours to Tampa. The mail of 15,000,000 people is concerned in this.

The gentleman says, "Why do you not give it to other sections of the country?" I will tell you why. The gentleman from Ohio [Mr. BROMWELL] tried to get special mail facilities from Cincinnati to Atlanta. I favored it, but it went out on a point of order. He did not oppose this at that time, but every hour and minute since he could not get his appropriation he has fought this. He did not have this great antagonism until then. Now, I have always said that where you can facilitate the mail, if the service is sufficient to pay for it, if the number of people interested are sufficient, you ought to do it.

The gentleman says the Postmaster-General does not recommend this. He does not say that it is not beneficial, but he says that there is complaint on the part of other people who do not get it. He admits in his letter that is filed here that it facilitates the mail to the extent that I have told you. Now, let me read you what he says on cross-examination. He says:

I am not prepared to say that it would not be disastrous if that train should be taken off and nothing substituted for it.

When Mr. Shallenberger was before this commission he stated distinctly that he could not say that the Southern people could get this same service if Congress refused to make this appropriation. He simply said at that time that it was a special facility to the Southern people and that he thought that it ought to be general, or else that we ought not to have it.

Now, the conditions down South are different from those in other parts of the country. As I have told you, it is a sparsely settled country. The travel between New York and New Orleans is not as great as the travel between New York and Chicago. Every twenty minutes a train goes out of New York for Chicago and out of Chicago for other points. There used to be only one train, before this appropriation was made, running between New York and New Orleans, and it goes through a stretch of country thousands of miles in length; and when you take the aggregate of the miles traveled, it is a small compensation.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. SWANSON. I should like five minutes more.

Mr. LOUD. We have no more time on this side, Mr. Chairman.

Mr. GAINES. I ask unanimous consent that the gentleman's time be extended five minutes. I should like to hear the gentleman's statement.

The CHAIRMAN. The time in favor of this proposition is exhausted, under the order heretofore made.

Mr. BROMWELL. Mr. Chairman, how much time has the gentleman from California?

The CHAIRMAN. The time of the gentleman from California is exhausted.

Mr. BROMWELL. Mr. Chairman, when I ceased speaking a few minutes ago I was referring to some of the other trains in this country which are not subsidized, which make as good or better time than these subsidized trains, and I was also calling attention to the fact that this very Southern road has trains which are not subsidized that make faster time than those that are.

These figures are taken from the time tables. The distance from Washington to Atlanta is 648 miles. The time that train No. 35 makes is eighteen hours and forty minutes, or an average of 34.7 miles per hour, while train No. 37, which is not subsidized, makes, on an average, 36 miles an hour for that entire distance.

Illinois Central Railroad train No. 3 leaves Chicago at 5.30 in the afternoon and runs to Cairo, a distance of 365 miles, in nine hours and forty-five minutes, or an average rate of 37.4 miles an hour, and gets no subsidy. The same train runs the distance between Chicago and Memphis, 527 miles, in fifteen hours twenty-five minutes, or an average of 34.2 miles per hour, about the same rate that this Southern train, No. 35, makes. I want to remark right here that the gentleman from Virginia talks about the Southern trains running through a sparsely settled country. The Illinois Central train, between Chicago and New Orleans, runs through just about as sparsely settled a country as the Southern does. The distance from Chicago to New Orleans is 923 miles. The Illinois Central train makes this in twenty-six hours five minutes, or an average of 35 miles an hour, which is as good time as the Southern train makes, and it gets no subsidy for it.

If we take the entire subsidized line from New York to New Orleans, we have to count that train as leaving New York at 12.10 midnight. It is true that it waits in Washington for another train that leaves New York four hours later to reach it in Washington. But remember that that train that connects with No. 35 of the Southern brings out the mail from New York up to midnight, and leaves New York at 12.10, reaching Washington at 7 o'clock in the morning and lying here from 7 o'clock until 11.15 in the morning before it starts for the South. Yet that is given as a part of the subsidized system. That is the line that brings the passengers who go South over this Southern system. The train that leaves, not at 4 o'clock in the morning, but the one that leaves at 12 o'clock and 10 minutes at night is the train that brings the passenger travel.

Now, what does the 4.20 a. m. train bring? Nothing but the New York newspapers, or very little else. Gentlemen will say that it brings the New England mails. The New England mails come in just as much in the daytime as between 12 o'clock at

night and 4 o'clock in the morning. There is no one train that necessarily expedites the New England mail. It depends entirely on the running of the New England trains themselves whether they get the benefit of this part of the service or not.

Now, the Santa Fe train from Chicago to Kansas City, No. 17, runs a distance of 458 miles in eleven hours and a half, or an average of nearly 40 miles an hour, and yet that train is not subsidized.

Mr. COWHERD. Will the gentleman yield for a question?

Mr. BROMWELL. Not now. You will have your opportunity in the five-minute debate, and then I will answer your question.

Mr. COWHERD. I understand there is to be no five-minute debate on this.

Mr. BROMWELL. Yes; there is. The Burlington road runs a train from Chicago to Kansas City, a distance of 500 miles, in thirteen hours and fifty minutes, or an average of 36 miles an hour. The Baltimore and Ohio Southwestern train, running from Parkersburg to St. Louis, 537 miles, makes an average of 34 miles an hour, or the same as the Southern train, and yet it gets no subsidy. The Big Four road, running from Cleveland to St. Louis, a distance of 548 miles, averages 36 miles an hour, and gets no subsidy.

In other words, gentlemen, the pretense that this is a specially fast train, and is therefore entitled to the subsidy, is shown by these facts to be entirely without foundation, and you can get these figures for yourselves by looking at the Railroad Gazetteer. There are plenty more which show the same state of affairs.

But gentlemen say that this train leaves New York City at such an hour that it does not get any passenger travel. It leaves at 4 o'clock in the morning, and goes on through. As I have said to you, the passenger travel that goes over the Southern from New York goes on the train that leaves New York at 12 o'clock and 10 minutes at night, not the 4 o'clock train in the morning, and all that that train does is to hurry the New York newspapers over here to overtake that train that leaves at 12.10 at night, which lies over from 7 o'clock until 11 o'clock in the morning, when it is sent on.

Now, Mr. Chairman, just a few general remarks. We are being met, and particularly in this bill, with demands from all parts of the postal service for all sorts of extensions and improvements. The members of the House on both sides are demanding not merely $1,750,000 for free rural delivery but $2,000,000; and it will grow, I firmly believe, to ten or fifteen or twenty million dollars, if allowed, in this House inside the next two years. If the service is right, let it grow. We are called upon by the railway mail clerks, clerks in post-offices, and carriers of the country to reclassify them.

The chairman of the Post-Office Committee has said that if these classification bills were passed it would amount to $6,000,000 out of the revenues of the Government. If they are entitled to reclassification and increase of salaries, I say let them have it. They have my sympathy; but we can never do justice to them, we can never do justice to your districts or free rural delivery or any other improvements, if we shall lavishly and foolishly use the money of the Government as is done on this subsidy to give such service as that.

Gentlemen also say there is danger of this fast train being taken off if we do not give them this subsidy. I do not believe it for one moment. The great Southern Railroad, reorganized, and doing a profitable business, having the most important trunk line, perhaps, from New England and the Middle States to the Southwest, is not going to take off any one of its good trains merely because the Government pays $170,000 less for carrying the mails. That train will run on the same schedule time, and will deliver the mails that it carries on the same time to every point in the South without that subsidy that it will with it. That is nothing but a bugbear and bugaboo that gentlemen hold up before us, trying to frighten us by saying that it will lose five or six hours in the time of delivery.

Mr. GAINES. Will the gentleman tell us whether there is any proof in this record that this train would be taken off if this subsidy is not given?

Mr. BROMWELL. On the contrary, the Postmaster-General, while he said that he did not know—no man could know what is coming to pass—said that he believed the Government would get as good service by making arrangements with competing roads, if not better.

Mr. UNDERWOOD. Did he not say he could give it to this road or any road that will carry it?

Mr. BROMWELL. The gentleman has his answer. The same question was put by the gentleman from Massachusetts [Mr. MOODY] to the Postmaster-General in the hearing before the commission. He said, "If this is in your discretion, Mr. Postmaster-General, why can not you discontinue it," and the Postmaster-General said:

So long as Congress appropriated for it and so long as Congress authorizes me to expend the money, why, of course, we look upon it as an order to do so.

Mr. SWANSON. Will the gentleman permit me to read what the Postmaster-General stated?

Mr. BROMWELL. I decline to be interrupted.

Mr. SWANSON. I have here what the Postmaster-General did say.

Mr. BROMWELL. But I say to the gentleman from Virginia and to the members of this House I know what the Postmaster-General said. I have looked over it; I have read it over carefully. I know the gentleman can pick out a sentence or a part of a sentence which may appear to favor it, but the conclusion of what he said was this subsidy not only does no good to the service, but, in his opinion, it is a great injury and detriment to the service.

Mr. SWANSON. I have some places here where he says it will be a benefit to the service.

Mr. BROMWELL. You will have your five minutes to show that. The gentleman well knows he can take here and there a part of a sentence—and he has marked them—in his copy of the book; I saw them—little expressions, half sentences, and sentences which appear to give a favorable view to his side of this question; but I say to him and to you or to any person that, when brought back to the proposition on this subsidy, the Assistant Postmaster-General has said it was for the detriment and not for the benefit of the service of the Government.

Now, Mr. Chairman, I have here the Railroad Gazetteer for 1893, before this great combination of roads was made. I find in the time-table for 1893 a train leaving New York at about the same hour that this 12.10 train leaves now, or rather leaving Washington at 11.10, which got to Atlanta in a little less time than is allowed since this train under the subsidy. That was in 1893. Gentlemen can find it right here in the Railroad Gazetteer. It is very natural to find some gentleman here living along the line of these roads defending this subsidy. It is natural that they should. The influence of great railroad corporations naturally influences all of us.

I want to say that this question of the extension of the railroad facilities—of the amount that is paid for the transportation of mail—would not create so much of discussion and it would be settled if these railroads themselves would come to Congress and say they were satisfied with the regular mail pay that they get under the laws of Congress. We do not want the subsidy; we think we get sufficient compensation for carrying these mails, and I do not know the reason why these two lines of railroad should be picked out and made favorites by Congress.

Mr. SWANSON. Will the gentleman state why it was that he attempted to get a subsidy for a railroad in his district?

Mr. BROMWELL. I will. The Chamber of Commerce of my city, when I first became a member, saw that these two lines were getting subsidies, and they thought it would be a good thing to have the Cincinnati and Southern subsidized for a fast mail between Cincinnati and Chattanooga, and I tried to get it, but found I could not. I found, when I came to investigate it as a member of the Post-Office Committee, that I ought not to get it, and I never tried for it afterwards. I went to work and tried to make this thing as obnoxious as possible by proposing subsidies for every railroad that ran out of Cincinnati. I wanted them to subsidize the Baltimore and Ohio, the Chesapeake and Ohio, the Big Four, the Pennsylvania, and Southern, just to show the absurdity of the proposition. I know the gentleman from Virginia has come in here whenever this question has been up and said: "The gentleman from Ohio wanted a subsidy for his railroad." Of course I did, but I have learned wisdom since I have been a member of this House and learned to be honest about these subsidies.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

The Clerk, proceeding with the reading of the bill, read as follows:

For necessary and special facilities on trunk lines from New York and Washington to Atlanta and New Orleans, $171,238.75: *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

Mr. LITTLE. Mr. Chairman, I move to strike out that paragraph last read.

The CHAIRMAN. The gentleman from Arkansas moves to strike out the last paragraph.

The question was taken; and on a division (demanded by Mr. LITTLE) there were—ayes 41, noes 92.

So the motion to strike out the paragraph was not agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

For continuing necessary and special facilities on trunk lines from Kansas City, Mo., to Newton, Kans., $25,000, or so much thereof as may be necessary: *Provided*, That no part of this appropriation shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

Mr. LITTLE. Mr. Chairman, I move to strike out the paragraph just read.

The question was taken; and on a division (demanded by Mr. LITTLE) there were—ayes 32, noes 85.

So the motion to strike out the paragraph was not agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

For miscellaneous items, including railway guides, city directories, and other books and periodicals necessary in connection with mail transportation, $1,000.

Mr. BELL. Mr. Chairman, the chairman of the Post-Office Committee a little while ago asserted most earnestly and vehemently that we had been reducing constantly the charges for carrying the mail. Now, I say with all due deference to him that there is not a shadow of foundation for that statement.

The law is so fixed that if a railroad company carries a small weight of mail, one price is fixed; if it carries a larger amount of mail, a cheaper price is fixed, just as the railroads carry carload rates cheaper than 100-pound rates. Now, the same rate has been in force for many years. The act of 1873 fixed the rate at so much for 200 pounds, so much for a thousand pounds, and so much for 5,000 pounds, etc., right along, as it is to-day.

In 1876, notwithstanding the arrangement was just as it is to-day, Congress reduced the general rate 10 per cent by a horizontal cut. Matters standing in the same way as they do to-day, Congress in 1878 made another horizontal cut of 5 per cent; and since 1878 Congress has not taken any action at all. The railroad has been reducing both the hundred-pound and the carload rate to the people, but nothing to the Government.

I say it is absolutely misleading to this House and to the country for the chairman of that committee to come here in the face of such facts and tell us there has been a reduction. He might as well have said, because the mail has increased in weight between 1873 and 1876, that there was a reduction beyond 10 per cent. Nobody has ever claimed that.

The weight of the mail was increasing from 1873 to 1876, yet in 1876 Congress passed an act providing that these rates fixed by the act of 1873 should be reduced by a horizontal cut of 10 per cent. The gentleman could well say that on the increase from 1876 to 1879 there was a reduction, because as a road carries more weight the price is less. But in 1878 Congress reduced the rate 5 per cent, and there has not been any reduction since 1878. I have the statute here before me, but the law is so plain that it is unnecessary for me to read it.

The gentleman hangs his statement simply upon the little technicality that the law itself says if a railroad carries only 200 pounds a day it shall have a certain price, and if it carries 5,000 pounds it shall have a less price for carrying by wholesale than for a little job lot. On that little technicality—a thing which existed from 1873 up to 1878, during which period we had two reductions, the chairman seeks to put before this House and the country the statement that the reduction has been 42 per cent since that time. I assert it has not been; that the gentleman's statement is false information based upon a technicality. Every tendency of railroads has been to lower the hundred-pound and the car rate to individuals, but no reduction has been made to the Government in twenty-one years.

Mr. LOUD. Mr. Chairman, there is no gentleman on the floor of this House for whom I have a higher personal regard than the gentleman from Colorado [Mr. BELL]. But I want to say that in this case he has built up a man of straw for the purpose of pounding him.

If the gentleman will repeat the words that I used, he will find that his speech was wholly unnecessary. It seems almost impossible to get the gentleman to understand what I say. Probably it is because I have not a clear manner of stating a question. I have stated, and will now state again to the gentleman, that I was giving the reduction of the rate per ton per mile on freight. I can not carry the direct figures in my mind now, but I think it was 41 per cent. The reduction in the mileage of passengers I think was 21 or 22, and the reduction in the ton miles of mail, as I stated, was 39 per cent. I hope the gentleman understands that. I also gave a statement of the increase amount of business, and while the increase amount of freight mileage has been about 331 per cent, the increase weight of mail had increased 555 per cent.

Now, Mr. Chairman, I hope we may have a vote.

Mr. BELL. May I ask the gentleman a question?

Mr. LOUD. I do not want to go any further on this question. My statement is in the RECORD, and I repeat it again here.

Mr. BELL. But the House will never understand it. Your increase was not under any of the legal weights of the Government.

Mr. LOUD. I made the statement emphatic, and now will make it again. The gentleman will find my statement to-morrow morning in the RECORD. I said the act itself was self-reductive.

Mr. BELL. Yes, I know you did; but I say it is not.

Mr. LOUD. Well, I say it is. Now, Mr. Chairman, I ask for a vote.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For transportation of foreign mails, $2,248,000, including additional compensation to the Oceanic Steamship Company for transporting the mails by its steamers sailing from San Francisco to New Zealand and New South Wales by way of Honolulu, all mails made up in the United States destined for the Hawaiian Islands, the Australian colonies, New Caledonia, and the islands in the Pacific Ocean, $80,000: *Provided*, That the sum paid said Oceanic Steamship Company shall not exceed $2 per mile, as authorized by act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce:" *And provided further*, That hereafter the Postmaster-General shall be authorized to expend such sums as may be necessary, not exceeding $55,000, to cover one-half of the cost of transportation, compensation, and expense of clerks to be employed in assorting and pouching mails in transit on steamships between the United States and other postal administrations in the International Postal Union; and not exceeding $40,000 for transferring the foreign mail from incoming steamships in New York Bay to the several steamship and railway piers, and between the steamship piers in New York City and Jersey City and the post-office and railroad stations, and for transferring the foreign mail from incoming steamships in San Francisco Bay to the piers.

Mr. CUMMINGS. Mr. Chairman, I move to strike out the last word. I have received dispatches from New York requesting me to have read to the House the petition which I send to the desk.

The Clerk read as follows:

NEW YORK, *April 26, 1900.*

Hon. EUGENE F. LOUD, *Washington, D. C.:*

The Merchants' Association respectfully petitions Congress to reconsider its decision striking the item for pneumatic-tube service from the Post-Office appropriation bill. The following reasons are believed entitled to consideration:

First. There is no specific charge of bribery or corruption in connection with this matter. General charges should not be recognized.

Second. New York City is not simply a local post-office; it is the clearing house of the entire country for both incoming and outgoing foreign mails.

Third. New York received not one dollar extra appropriation for the service it renders the different trade centers of the country in doing this work.

Fourth. New York returned last year in excess of expenditure, $5,578,933.39.

Fifth. The present facilities for handling the mails, both local and foreign, are utterly inadequate for the business done. This country has made rapid strides in the past few years. Manufacturing industries have sprung up throughout the entire length and breadth of the land, and the great middle West is now the center of manufacture. The markets of the world are calling for our manufactured goods. Every facility should be given the clearing house for foreign mails. A few minutes' delay frequently means a loss of from one to five days' time. First-class mail earns a large revenue for the Government. The barnacles attached to the service cause a deficiency and should be removed.

This is an age of trade and commerce, and every improvement in the postal service should be adopted, no matter whether controlled by private individuals, corporations, or the Government. The city of New York locally can take care of itself with the present appropriation, but to be the effective clearing house of the entire country for foreign mails it should have every facility that human ingenuity can devise and money obtain, and not be hampered by either prejudice or parsimony. Every encouragement should be given to our manufacturing industries as they seek the markets of the world.

THE MERCHANTS' ASSOCIATION OF NEW YORK,
By S. C. MEAD, *Assistant Secretary.*

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. PAYNE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 4324. An act to correct the military record of Albert S. Austin;

S. 3189. An act for the relief of Leonard I. Brownson;

S. 2960. An act for the relief of Edward Kershner;

S. 906. An act to provide an American register for the steamer *Esther*, of New Orleans; and

S. 276. An act for the erection of a public building at Kingston, N. Y.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 9824) authorizing the Secretary of War to make regulations governing the running of loose logs, steamboats, and rafts on certain rivers and streams, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. NELSON, Mr. MCMILLAN, and Mr. BERRY as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments the bill (H. R. 10538) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1901; in which the concurrence of the House was requested.

The message also announced that the Senate had passed the following; resolution in which the concurrence of the House of Representatives was requested:

Resolved by the Senate (the House of Representatives concurring), That there be printed of The Smithsonian Institution—Documents Relative to Its Origin and History, 7,000 copies, of which 2,000 copies shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 2,000 copies for the use of the Smithsonian Institution.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

OFFICE OF THE THIRD ASSISTANT POSTMASTER-GENERAL.

For manufacture of adhesive postage and special-delivery stamps, $223,000: *Provided*, That out of the revenue arising from special-delivery business the

Postmaster-General may allow expenditures by postmasters at first-class post-offices, under regulations to be established by him, for car fare for special-delivery messengers in emergent cases where immediate delivery in the usual way is impracticable, not to exceed in the aggregate, for all offices, $10,000 a year: *And provided further*, That at first and second class post-offices the Postmaster-General may establish rules under which special delivery may be effected by any salaried clerk or employee thereof, and the lawful special-delivery fees allowed therefor, the same as is now done at third-class offices, in cases where such delivery can not be made by regular messengers.

Mr. DRIGGS. I should like an explanation of the "*Provided further.*" Is that the same as in the last bill?

Mr. LOUD. Yes.

Mr. HEPBURN. Mr. Chairman, several gentlemen about me have suggested, in view of what was said a moment ago, that it would be entirely proper for some member of the House upon this side to say that Mr. Dockery, during the sixteen years of his service here, secured the confidence and respect of all members upon this side of the House. Nobody believes that he would be guilty of any offense, or any official impropriety, and certainly not of a crime. I want to say for myself, having known him intimately, he being my neighbor, seeing him in Congress and out of Congress, that I have the utmost confidence in him, the greatest respect for him, and I know of no member whose departure from this House was more universally regretted than that of Mr. Dockery. [Applause.]

The Clerk resumed and concluded the reading of the bill.

Mr. CUMMINGS. I move to strike out the last word.

Mr. LOUD. Mr. Chairman, in order to protect my rights, I offer the following amendment at the end of the bill.

The CHAIRMAN. The gentleman from California offers the following amendment.

The Clerk read as follows:

Add the following:
"And that the sum of $20,000 be, and the same is hereby, appropriated, to be made available on the taking effect of this act, to maintain the postal service in Porto Rico during the months of May and June in the year 1900.

Mr. LOUD. Mr. Chairman, I offer this amendment here in order to protect my rights, but if I can get the unanimous consent of the House to offer it at another point in the bill, I do not desire to offer it here. I will ask unanimous consent to refer to page 2, and to offer it in a more appropriate place, and then I will state to the House the necessity for it.

The CHAIRMAN. The gentleman from California asks unanimous consent to recur to page 2, for the purpose of offering an amendment which the Clerk will report. Is there objection?

There was no objection.

Mr. LOUD. Then I will offer this amendment and withdraw the other. They are both substantially the same.

The CHAIRMAN. Without objection, the amendment first offered will be withdrawn, and the gentleman from California substitutes the following, which the Clerk will now report.

The Clerk read as follows:

Amend by adding after the word "dollars," page 2, line 2, the following:
"*Provided*, That the sum of $20,000 be, and the same is hereby, appropriated out of this appropriation to maintain the postal service in Porto Rico during the months of May and June in the year 1900, to be immediately available."

Mr. LOUD. Mr. Chairman, the Postmaster-General finds that this act that we have recently passed, which goes into effect on the 1st of May, turns the postal revenues of Porto Rico into the public Treasury, and that he would have no means of running the postal service in Porto Rico without a deficiency appropriation.

Mr. BELL. Is it the intention that this shall be at the expense of Porto Rico?

Mr. LOUD. Oh, no; let me say that when this act goes into effect Porto Rico, so far as the postal service is concerned, will become a part of the postal service of the United States.

Mr. BELL. Then, does this come out of our revenues, or out of the revenues of Porto Rico?

Mr. LOUD. I suppose that hereafter if the revenue of the postal service of Porto Rico are not sufficient to pay the running expenses of the offices there, we will have to pay the difference out of the Treasury, or out of the receipts of the postal service in the United States, just the same as we do in many portions of the United States to-day.

The amendment of Mr. LOUD was agreed to.

Mr. LOUD. I move that the committee rise and report the bill to the House with the amendments, and with the recommendation that as amended the bill do pass.

Mr. CUMMINGS. Mr. Chairman——

Mr. ROBINSON of Indiana. I wish the gentleman would yield for a moment.

Mr. LOUD. I yield for a moment.

Mr. CUMMINGS. I move to strike out the last word.

The CHAIRMAN. The gentleman from Indiana has just been recognized.

Mr. ROBINSON of Indiana. I desire to make a request for unanimous consent of the House, and ask the attention of the chairman of the committee in charge of this bill to this request. I will premise by saying that when the committee was considering the subject of rural free delivery the other day, the gentleman from South Carolina [Mr. LATIMER] presented an amendment providing for an appropriation of $2,000,000 for this service. It was withdrawn subsequently, largely upon the statement of the gentleman from Georgia [Mr. GRIGGS], who said that the rural free-delivery department had informed him that the amount granted by the committee and appropriated by this bill, $1,750,000, was all that they could use in that service. But it turns out that that statement was made to him some time ago, and relating to that time was correct, but since then members of Congress have sent so many petitions for this service to the Department that those in charge now inform us that it could usefully, profitably, and judiciously handle $2,000,000 for rural free delivery. The gentleman from South Carolina [Mr. LATIMER] was correct in his statement when he stated these facts on presenting and urging a total appropriation of $2,000,000. I ask unanimous consent to return to page 13, lines 12 to 15, for the purpose of offering an amendment in consonance with the wishes of the rural free-delivery department, my own judgment, and, I think, the sentiment of the House.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to recur to page 13 for the purpose of offering an amendment relating to rural free delivery. Is there objection?

Mr. LOUD. I object.

Of course I should not have withdrawn the motion that the committee rise.

The CHAIRMAN. The gentleman from California moves that the committee do now rise.

Mr. LOUD. The gentleman from New York seems to want some time, but I will not yield the floor for any further request or amendment.

Mr. CUMMINGS. The gentleman had the floor, but was cut off the other time.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. CUMMINGS. I move to strike out the last two words of the paragraph. I think the gentleman yielded to me.

Mr. LOUD. If the gentleman does not propose to offer any amendment.

Mr. CUMMINGS. No; I do not.

Mr. LOUD. Well, I want to be recognized after the gentleman.

Mr. CUMMINGS. Mr. Chairman, the discussion yesterday developed the fact that the provision which practically amended the eight-hour law so far as the letter carriers are concerned was offered here, not by the Committee on the Post-Office and Post-Roads, but by the gentleman from California [Mr. LOUD], acting individually. If this fact had been known at that time, it is possible that the gentleman from Massachusetts [Mr. FITZGERALD] might have made the point of order against it. I want to say, further, Mr. Chairman, that when I asserted yesterday that no letter carrier could be produced who favored the amendment to the bill, and added that no hearing had been allowed them before the Committee on the Post-Office and Post-Roads, I understood the gentleman to say that such a hearing had been given and had been printed. It seems, however, that it was a hearing before the postal commission and not before the Committee on Post-Offices and Post-Roads. I shall insist upon a yea-and-nay vote upon the Loud amendment in the House.

I want to say further, Mr. Chairman, that in replying to me yesterday the gentleman from California made a statement that there was a general scramble all along the line for an increase of salaries, and among others he instanced the fourth-class postmasters. Now, Mr. Chairman, while that may appear to be an increase of salary, it is really not so. The fourth-class postmasters came into being many years before the establishment of the railway post-offices, and the mailing of letters in this railway mail has decreased the pay of the fourth-class postmasters. They are simply asking to-day that the Government shall stop this robbery of them, which has been going on ever since the beginning of the Railway Mail Service.

The cancellation of stamps in the offices and the sale of the stamps in the same offices show that every quarter there is over $100,000 decrease, and as the fourth-class postmasters are paid according to cancellation, and not according to the sale of stamps, their revenues are thereby decreased, so that it amounts to-day to over $300,000 a quarter. They simply ask that the Government shall stop this robbery of them. Now, there was an implied contract made with the fourth-class postmasters when they were first appointed that their allowance should be based on the stamps canceled in their offices. Since then the Railway Mail Service has come between them and taken a part of their receipts. It is a traveling post-office, robbing them of a large percentage of what belongs to them.

We have 70,000 fourth-class postmasters, and in some cases they

receive no more than $7 a year, furnishing their own lights, fuel, wrapping paper, twine, messengers, etc., at their own expense, and selling all the stamps absolutely free of cost to the Government. Of these fouth-class postmasters 21,130 receive less than $50 per annum, 16,838, less than $100 per annum; 14,570, less than $200 per annum; 12,770, less than $500 per annum; 5,079, less than $1,000 per annum. They do not ask for the return of the money that has been taken from them, but they do insist that hereafter the railroad robbery shall cease.

Mr. LOUD. I move that the committee rise and report the bill and amendments to the House.

Mr. FITZGERALD of Massachusetts. I rise to a question of privilege.

The motion that the committee rise was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DALZELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10301, and instructed him to report the same back to the House with sundry amendments, and with the recommendation that as amended the bill do pass.

Mr. LOUD. I ask for the previous question on the bill and amendments.

Mr. FITZGERALD of Massachusetts. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. FITZGERALD of Massachusetts. To a parliamentary inquiry. Mr. Speaker, I claim that there has been an injustice——

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. FITZGERALD of Massachusetts. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. FITZGERALD of Massachusetts. The question of personal privilege, Mr. Speaker, is that the gentleman from California, the chairman of the Committee on Post-Offices and Post-Roads, made an agreement here yesterday in the presence of the House, before the bill was through its consideration in Committee of the Whole House, to recur to the paragraph which repeals the eight-hour law, so that the point of order could be made against it; and, Mr. Speaker, I desire to say that I allowed that provision to be voted on here, and had I understood the statement made by the chairman of the Committee on Post-Office and Post-Roads that this agreement——

The SPEAKER. The gentleman will suspend. No such matter has been referred from the Committee to the House, and the gentleman will readily see that the Chair can take no cognizance of any matter except it takes place in the House. The gentleman from California moves the previous question on the bill and amendments to its passage.

Mr. CUMMINGS. I ask for a separate vote on one of the amendments——

The SPEAKER. That is not the question now before the House. The question is on ordering the previous question on the bill and amendments.

The question was taken; and the previous question was ordered.

The SPEAKER. Is there a separate vote demanded on the amendments?

Mr. CUMMINGS. Mr. Speaker, I ask a separate vote on the amendment that was adopted at the end of line 25, page 12.

The SPEAKER. If there is no other separate vote demanded, a vote will be taken on all the amendments except the one referred to by the gentleman from New York.

All the amendments except the one referred to by the gentleman from New York [Mr. CUMMINGS] were then agreed to.

The SPEAKER. The question is on agreeing to the amendment referred to by the gentleman from New York, which the Clerk will report.

The Clerk read as follows:

After the word "dollars," in line 25, page 12, add "*Provided*, That letter carriers may be required to work not exceeding forty-eight hours during the six days of each week, and such number of hours on Sundays as may be required by the needs of the service. And if a legal holiday shall occur on any working day the service performed on said day shall be counted as eight hours, without regard to the time actually employed. If any letter carrier is employed for a greater number of hours than forty-eight during the working days in any week, he shall be paid extra for the same in proportion to the salary fixed by law."

Mr. CUMMINGS. Now, Mr. Speaker, I ask for a yea-and-nay vote upon that amendment.

The question was taken.

The SPEAKER. Twenty-four gentlemen rising. There has been no vote by which it can be determined whether 24 is a sufficient number, and the Chair will ask the other side to rise. [After counting the other side.] One hundred and eleven rising, not a sufficient number, and the yeas and nays are refused.

The question was taken on agreeing to the amendment; and on a division (demanded by Mr. CUMMINGS) there were—ayes 74, noes 53.

Mr. CUMMINGS. Tellers, Mr. Speaker.

The question of ordering tellers was taken.

The SPEAKER. Twenty-eight gentlemen rising, not a sufficient number, and tellers are refused.

Mr. CUMMINGS. I make the point of no quorum.

The SPEAKER. Does the gentleman from New York make the point of no quorum?

Mr. CUMMINGS. I do.

The SPEAKER (after counting). One hundred and ninety-one; and a quorum is present.

Mr. MCRAE. Mr. Speaker, is it in order to demand the yeas and nays again?

The SPEAKER. The yeas and nays have been refused by the House.

Mr. FITZGERALD of Massachusetts. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. FITZGERALD of Massachusetts. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. FITZGERALD of Massachusetts. Is it in order to move to reconsider the vote by which the yeas and nays were refused?

Mr. PAYNE. Why, Mr. Speaker, we have had two votes since then.

Mr. FITZGERALD of Massachusetts. I am asking a question of the Chair. [Laughter.]

Mr. MCRAE. Mr. Speaker, would it be in order to ask for tellers?

The SPEAKER. It would not, but the Chair is decidedly of opinion that the motion to reconsider is in order, and therefore the Chair will put the question to the House. The question is on reconsidering the vote by which the yeas and nays were refused.

The question was taken; and the Speaker announced that the noes had it, and that the amendment was agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. SWANSON. Mr. Speaker, I move to recommit the bill, and upon that I demand the previous question.

The SPEAKER. The gentleman from Virginia moves to recommit the bill, and upon that motion demands the previous question.

The question of ordering the previous question was taken; and on a division (demanded by Mr. LITTLE) there were—ayes 134, noes 23.

So the previous question was ordered.

Mr. LITTLE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LITTLE. Is it in order to move to recommit the bill with an amendment?

The SPEAKER. It is not, after the previous question has been ordered.

The question on the motion of Mr. SWANSON to recommit the bill was taken; and the motion was lost.

The bill was passed.

On motion of Mr. LOUD, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GARDNER of Michigan, for ten days, on account of important business.

To Mr. MCPHERSON, for two days, on account of important business.

ENROLLED JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. R. 10. Providing for the printing of 3,000 copies of House Document No. 141, relating to the preliminary examination of reservoir sites in Wyoming and Colorado.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4324. An act to correct the military record of Albert S. Austin—to the Committee on Military Affairs.

S. 3189. An act for the relief of Leonard I. Brownson—to the Committee on Military Affairs.

S. 2960. An act for the relief of Edward Kershner—to the Committee on Naval Affairs.

S. 906. An act to provide an American register for the steamer *Esther*, of New Orleans—to the Committee on the Merchant Marine and Fisheries.

S. 276. An act for the erection of a public building at Kingston, N. Y.—to the Committee on Public Buildings and Grounds.

Senate concurrent resolution 49:

Resolved by the Senate (the House of Representatives concurring), That there be printed of "The Smithsonian Institution: Documents Relative to its Origin and History," 7,000 copies, of which 2,000 copies shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 2,000 copies for the use of the Smithsonian Institution—

to the Committee on Printing.

TWELFTH AND SUBSEQUENT CENSUSES.

Mr. HOPKINS. I ask the present consideration of the bill which I send to the Clerk's desk.

The SPEAKER. The gentleman from Illinois [Mr. HOPKINS], from the Select Committee on the Census, calls up for consideration the bill which will be read.

The Clerk read as follows:

A bill (H. R. 10696) relating to the Twelfth and subsequent censuses, and giving the Director thereof additional power and authority in certain cases, and for other purposes.

Be it enacted, etc., That in addition to the power and authority conferred upon the Director of the Census by an act entitled "An act to provide for taking the Twelfth and subsequent censuses," approved March 3, 1899, said Director of the Census shall have power, and is hereby authorized, to appoint and employ, as the necessity therefor may arise, one superintendent of printing, at an annual salary of $2,500, and to appoint and employ such number of skilled mechanics and other persons in the Census printing office as may be necessary to carry into effect the printing and binding provided for in said act, at the same compensation as is paid for similar work in the Government Printing Office.

SEC. 2. That the chief clerk of the Census Office shall act as superintendent, and have general charge of all buildings occupied for the purpose of carrying on the work of the census, and shall receive therefor the sum of $300, in addition to his regular salary.

SEC. 3. That the salary of the Director of the Census shall be $7,500 per annum.

The amendments reported by the committee were read, as follows:

In line 2 of page 2, before the word "printing," insert "preliminary."

Add the following as a new section:

"SEC. 4. That in addition to the sum provided to be paid to supervisors of census in section 11 of an act entitled 'An act to provide for taking the Twelfth and subsequent censuses,' approved March 3, 1899, the Director of the Census is hereby authorized and directed to pay to each supervisor, as further compensation, a sum equal to 2 per cent of the amount paid to the enumerators for taking the census in said supervisor's district."

Mr. HOPKINS. Mr. Speaker, this bill is reported——

Mr. MCRAE. I make the point of order that the bill must receive its first consideration in Committee of the Whole.

Mr. HOPKINS. I ask unanimous consent that it be considered in the House as in Committee of the Whole.

Mr. MCRAE. That does not mean anything unless we are to have the right of amendment.

Mr. HOPKINS. I ask, then, that it be considered in the House as in Committee of the Whole, with the privilege of amendment.

Mr. MCRAE. The previous question may be called in the manner of which we have just had an example.

Mr. HOPKINS. There is nothing in the bill to which the gentleman will object.

Mr. MCRAE. I do not know about that.

The SPEAKER. Does the gentleman from Arkansas [Mr. MCRAE] insist upon his point of order?

Mr. KLUTTZ. I will say to the gentleman from Arkansas that this is a unanimous report from the Committee on the Census.

Mr. MCRAE. In view of that statement, I withdraw my point.

Mr. HOPKINS. Mr. Speaker, this bill is composed of four sections. The first relates to changes in the character of the employment of the printing department of the Census Bureau. Under the law at the present time the Director of the Census is required to hire mechanics by the month as clerks. This bill provides that he may hire such employees in the same manner as is now done at the Government Printing Office, and with the same compensation. This change entails no expense upon the Government; in fact, it is an economical arrangement. This provision of the bill has been examined by the Government Printer as well as by the Director of the Census, and is satisfactory to all interested.

The second section provides that the chief clerk of the Census Bureau shall act as superintendent of the building, and shall have for such service additional compensation to the amount of $300. The building which was provided for a large part of the work of the census has been found insufficient, and two buildings will be necessary for carrying out the work of the Census Bureau. The compensation proposed to be paid here is practically the same as is paid in all the other Departments. The superintendent of the Treasury Department gets a salary of $3,000, and for similar service in the Interior Department and in the Department of Justice an extra compensation of $250 is paid.

The third section provides for an increase of the salary of the Director of the Census. Under the opinion of the Attorney-General this Bureau is practically an independent bureau. The Director of the Census is responsible for the disbursement of more than $9,000,000 and has charge of the entire work of the Bureau, including the employment of more than 3,000 persons. After looking the matter over carefully it was the unanimous opinion of the committee that an increase of $1,500 in the present salary would be only adequate in view of the service which he is rendering the Government.

Mr. CURTIS. Allow me to ask what the appointment clerk is paid now.

Mr. HOPKINS. Two thousand dollars.

Mr. CURTIS. What is the objection to paying him the same amount that is paid to the appointment clerks in the other Departments?

Mr. HOPKINS. The amount which we have put in here was recommended by the Director; we did not go above his recommendation.

The fourth section was prepared in the committee; it is a committee amendment.

Mr. SHACKLEFORD. I did not catch distinctly the reading of the bill nor the gentleman's explanation. I should like to know whether this bill takes from the Public Printer the control of the printing and gives it the Director of the Census.

Mr. HOPKINS. Not at all. This relates simply to the preliminary printing provided for in the original act and has been provided for in all previous censuses. The provision has been examined at the Government Printing Office and is entirely satisfactory.

Mr. WHEELER of Kentucky. I should like to ask one question. I observe that section 4 provides for increasing the salaries of supervisors of census throughout the United States. I should like to know what that will amount to.

Mr. HOPKINS. I was just about to call the attention of the House to that amendment.

Mr. WHEELER of Kentucky. What does it amount to?

Mr. HOPKINS. It amounts to about seventy-five thousand or seventy-six thousand dollars in all, and the reason that that was prepared and recommended by the committee is that members of the committee and the Director of the Census have received a large number of letters from various supervisors, insisting that the amount of work they have to do is such that the salary proposed in the original act is entirely inadequate and that they will lose money by going on with this service, and many of them desire to go out of the service if no extra compensation can be paid.

Mr. WHEELER of Kentucky. Will the gentleman tell us how the salaries of supervisors of the Twelfth Census compare with the salaries of supervisors of the Eleventh Census?

Mr. HOPKINS. The salary as provided for here is something larger than it was in previous censuses, but in the taking of the Twelfth Census the supervisors are fewer in number and the amount of work imposed upon them is double or more than double that imposed upon the supervisors in the taking of the Eleventh Census in this, that their appointments have been made on an average more than six months prior to the corresponding appointments of the supervisors for the taking of the Eleventh Census, and they have been set to work at once by the Director to prepare their districts.

Mr. WHEELER of Kentucky. Is it not a fact that the duties of the supervisors thus far consist almost entirely in the selection of enumerators and the allotment of districts to the enumerators?

Mr. HOPKINS. I will say to the gentleman that each supervisor, under the arrangement by which the Twelfth Census is to be taken, will have an average work of from ten to eighteen months, and one reason why more work is imposed upon them is that in previous censuses the supervisor selected his own enumerators, without any trouble at all; but in order to insure an efficient census and to insure the best ability the present Director has required that blanks be sent out from the main office to the supervisors, and that every person in the supervisor's district desiring appointment as an enumerator must make a written application setting forth his qualifications for the office, and that must be passed upon by the supervisor and sent to the Director to look over and see for himself and then sent back to the supervisors.

A MEMBER. It amounts to an examination.

Mr. LIVINGSTON. There is a test schedule.

Mr. HOPKINS. And in addition to that, a test schedule has been made in order to secure the highest efficiency.

Mr. WHEELER of Kentucky. While the gentleman is on that subject, will he state to the House what will be the greatest salary to be paid to any supervisor under this act and what will be the least salary paid?

Mr. HOPKINS. I have not a detailed statement of them all here; but take, for example, the First New York district, which includes greater New York, one of the largest districts in the United States. That would increase the salary of the supervisor there $956.70.

Mr. WHEELER of Kentucky. What does he get under the present law?

Mr. HOPKINS. Well, he gets his $125 salary, and then a dollar a thousand, as I now remember. The figures, perhaps, in this New York district would reach $2,500.

Mr. WHEELER of Kentucky. About $2,500?
Mr. HOPKINS. It might reach that.
Mr. WHEELER of Kentucky. How long does ne work?
Mr. HOPKINS. The supervisor in New York would probably work eighteen months.
Mr. McCLELLAN. And night and day at that.
Mr. WHEELER of Kentucky. Now, I will ask the gentleman if it is not a fact that in the cities where this increase takes place, much of the census work is eliminated from the duties assigned to the supervisor and assigned by the Director, under the act of Congress, to special agents selected by him?
Mr. HOPKINS. No; I will state to the gentleman that that information is not correct, because the enumeration of the population under the law is limited to the enumerators, and special agents can not be employed for that purpose.
Mr. WHEELER of Kentucky. Does the gentleman mean to say that the total duty of the enumerators is just taking the number of the people?
Mr. HOPKINS. Oh, no. Of course the gentleman remembers the law on that.
Mr. WHEELER of Kentucky. Yes; but is not a good deal of the work relating to manufactures, and so forth, in all the cities of the United States cut out of the regular duties of the supervisors?
Mr. HOPKINS. The statistics of manufactures is taken by special agents; but I will say to the gentleman that only a small percentage of what was taken by special agents in the Eleventh and Tenth censuses will be so taken in the Twelfth Census. The great bulk of the work is left with the enumerators and the supervisors.
Mr. PARKER of New Jersey. Will the gentleman allow me to ask him a question?
Mr. HOPKINS. Yes; I will yield to the gentleman from New Jersey.
Mr. PARKER of New Jersey. Does this first section give the power to the Census Department to establish a separate printing office?
Mr. HOPKINS. Oh, no; not at all. I have already answered that question two or three times, I will say to the gentleman. This is only the printing department that was established in the original act for doing the preliminary work.
Mr. PARKER of New Jersey. Was there a printing department?
Mr. HOPKINS. Oh, certainly.
Mr. PARKER of New Jersey. I find in the report here that you say that it seems proper that the head of the Census printing office shall receive a certain compensation.
Mr. HOPKINS. Certainly; and if the gentleman is familiar with the taking of the Tenth and Eleventh censuses he will remember that there was a printing department there and that we provided in the original act for the taking of the Twelfth Census that whatever was left of that should be turned over to the present office.
Mr. PARKER of New Jersey. But the difficulty that I know is felt by a good many of us is that we would like to know what it was that we debated and knocked out here some time ago.
Mr. HOPKINS. I can answer the gentleman fully upon that. The proposition that was made here in the House some time ago and voted down was a proposition to give the Director of the Census the authority to go outside and contract with private parties to print the Census reports. Now, the preliminary work is something entirely separate and distinct from the printing of the Census reports. It relates to the printing of these little bulletins that are sent out from time to time to aid in the taking of the census and to furnish early information to the general public; but it does not conflict at all with the printing of the Census reports proper.
Mr. PARKER of New Jersey. Has the gentleman the bill here, to show that that was contemplated by the original law to be done by a separate printing office in the Census Bureau? I certainly understood, when the bill was argued, that we expected to have the printing done in the Government Printing Office.
Mr. HOPKINS. The gentleman misapprehended the character of that debate entirely then, because all gentlemen understood that the law as it then existed was adequate to permit the Director of the Census to do all the preliminary work. The point that the Director of the Census made was that the facilities of the Government Printing Office were not such as to enable this work to be gotten out within the two-year limit—that is, the reports of the census proper; but I will say to the gentleman that this has nothing to do with that.
Mr. DALZELL. I understand the gentleman to say that this bill is entirely satisfactory to the Public Printer.
Mr. HOPKINS. Entirely so.
Mr. JAMES R. WILLIAMS. I should like to ask the gentleman a question.
Mr. HOPKINS. I yield to my colleague from Illinois.
Mr. JAMES R. WILLIAMS. Have you made any estimate as to the total increase in the expense of taking the census as the result of this bill?
Mr. HOPKINS. Well, I stated——
Mr. JAMES R. WILLIAMS. I mean the total increase. You stated what it would be for the supervisors.
Mr. HOPKINS. The total increase is less than $80,000
Mr. JAMES R. WILLIAMS. What is the present salary of the Director.
Mr. HOPKINS. Six thousand dollars.
Mr. JAMES R. WILLIAMS. And this increases it how much?
Mr. HOPKINS. This increases it $1,500.
Mr. JAMES R. WILLIAMS. Fifteen hundred dollars?
Mr. HOPKINS. Yes, sir.
Mr. MANN. Will the gentleman allow me to ask him a question?
Mr. HOPKINS. Yes, sir.
Mr. MANN. I understand the object of the amendment proposed by the committee is that the salaries of supervisors shall be increased?
Mr. HOPKINS. Yes, sir.
Mr. MANN. The salaries of the enumerators are not to be increased?
Mr. HOPKINS. No, sir.
Mr. MANN. I understand the enumerators were generally appointed in the different Congressional districts on the recommendation of the members of this House. That being the case, I suppose there would be no objection to the passage of the bill.
Mr. HOPKINS. Well, I am not able to answer that question.
Mr. RIDGELY. I have not had time to look up the bill, but is this increase in the salaries of supervisors uniform?
Mr. HOPKINS. Yes, sir; the supervisor gets his proportionate increase on the amount of work he has to do.
Mr. RIDGELY. It is 2 per cent on the whole amount you give him?
Mr. HOPKINS. Oh, no.
Mr. RIDGELY. One other question. It makes some change as to the printing, as I understood. The printing is to be done in the Census Office.
Mr. HOPKINS. Yes, sir; the preliminary.
Mr. RIDGELY. And not to be let out?
Mr. HOPKINS. Oh, no; not to be let out to private parties.
Mr. COX. I desire to ask the gentleman a question.
Mr. HOPKINS. I yield to the gentleman from Tennessee for a question.
Mr. COX. I desire to ask you simply this question. The Director's salary was fixed in the first instance at $6,000. Now, why do you increase it $1,500?
Mr. HOPKINS. The reason for the increase arises from the fact that under the present law—he being made the head of the department and made responsible for the entire work, and for the disbursement of the $9,000,000 appropriated for this purpose—the committee find that the first salary was inadequate, and that this increase would give him less than is given to other Government officials with far less responsibility.
Mr. COX. Pardon me. That simply means that when you fixed the salary at the start it was too low?
Mr. HOPKINS. We fixed it too low.
Mr. COX. That is the whole substance of it?
Mr. HOPKINS. Yes, sir.
Mr. SMITH of Kentucky. I want to ask the gentleman a question.
Mr. HOPKINS. I yield to the gentleman.
Mr. COX. I want to ask the gentleman one further question. When does this increase of salary take effect? Does it date back?
Mr. HOPKINS. It dates from the passage of the act.
Mr. COX. What was the salary of the former Director?
Mr. HOPKINS. Six thousand dollars, as I remember the law.
Mr. COX. I am at a loss to see why you make this $7,500.
Mr. HOPKINS. It is because of the extra responsibility and work being done.
Mr. COX. No more responsibility than the other man had.
Mr. HOPKINS. He has a great deal more responsibility.
Mr. SMITH of Kentucky. As I understand this bill, it gives the supervisor 2 per cent on the amount obtained by the enumerators within their respective districts?
Mr. HOPKINS. Yes, sir.
Mr. SMITH of Kentucky. Now, I want to know what are the limitations upon the powers of the supervisors to create enumerator districts?
Mr. HOPKINS. I will say to the gentleman that the law fixes that the supervisors' districts shall contain a definite population, or approximately a definite population. That is fixed by law. Their salaries have been fixed by the Director of the Census.
Mr. SMITH of Kentucky. That is what I wanted to know.
Mr. HOPKINS. Now, Mr. Speaker, I ask for the previous question on the bill and amendments to its passage.

The SPEAKER. The gentleman from Illinois demands the previous question on the bill and amendments to its passage.

The question was taken, and the previous question was ordered.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

The question was taken on the passage of the bill, and the Speaker announced that the ayes appeared to have it.

Mr. McRAE. Division, Mr. Speaker.

The House divided; and there were—ayes 83, noes 34.

So the bill was passed.

On motion of Mr. HOPKINS, a motion to reconsider the vote by which the bill was passed was laid on the table.

THE SHIPPING BILL.

Mr. FITZGERALD of Massachusetts. Mr. Speaker, I move that the minority of the Committee on Merchant Marine and Fisheries may be given one week further to present the minority report on the shipping bill.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the minority of the Committee on Merchant Marine and Fisheries be given one week more to present their views to the House on the shipping bill. Is there objection? [After a pause.] The Chair hears none.

CIVIL GOVERNMENT FOR HAWAII.

Mr. KNOX. Mr. Speaker, I present a privileged report.

The SPEAKER. The gentleman from Massachusetts presents a privileged report, which the Clerk will read.

Mr. KNOX. Mr. Speaker, I ask unanimous consent to dispense with the reading of the report and that the statement of the House conferees may be read.

There was no objection.

The Clerk read the statement, as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the Senate bill (S. 222) to provide a government for the Territory of Hawaii, submit the following written statement in explanation of the effects of the action agreed upon, and recommend it in the accompanying conference report, namely:

The Senate agrees to the amendment of the House in the nature of a substitute with the following amendments:

Section 1, line 3, after the word "Hawaii," insert the words "in force." This in no way affects the provision of the House bill and is merely for clearness.

The amendment to section 4 simply states with more clearness that persons then resident in the Hawaiian Islands are referred to.

The amendments in section 5 are to make the statement definite that the Constitution as a whole is extended to the Territory of Hawaii.

In section 10, line 1, the words "obligations and contracts" were stricken out, for the reason that they might be construed to continue in force existing labor contracts.

The provision in section 10, line 13, is a new provision, with the manifest purpose of preventing imprisonment for debt in the Territory of Hawaii. The succeeding amendment in section 10 was to make it definite that the laws of the United States affecting merchant seamen would not be changed or modified.

In section 18 the section is stricken out and the following is inserted: "No idiot or insane person, and no person who shall be expelled from the legislature for giving or receiving bribes or being accessory thereto, and no person who, in due course of law, shall have been convicted of any criminal offense punishable by imprisonment, whether with or without hard labor, for a term exceeding one year, whether with or without fine, shall register to vote or shall vote or hold office in, or under, or by authority of, the government, unless the person so convicted shall have been pardoned and restored to his civil rights." This amendment to section 18 was in the original Senate bill and in the bill reported by the commissioners appointed by the President, and was finally thought essential by the conferees.

The amendment to section 34, line 4, restores the provision of the Senate bill as to the age qualification for senators—30 years.

In section 37, lines 2 and 3, the words "general or," inserted in the House bill, were stricken out because no vacancy could be filled except at a special election.

The amendment to section 40 was to require the representative to be a resident of the district from which he is elected.

In section 49, line 5, "shall" was stricken out and "may" inserted to make it consistent with section 51.

In section 55, line 25, the words struck out and inserted were for the purpose of making it certain that the section should have no retroactive effect. In line 37 of the same section the amendment makes more general the provision of the House bill and puts the control of the sale of spirituous and intoxicating liquors in the legislature. In lines 72 and 73 of the same section the provision of the House bill was considered unnecessary.

Section 60. This amendment does away with all provision for the payment of taxes as a qualification for voting.

Section 62. The amendment in detail was made necessary by having the qualifications for voters apply to all elections.

Section 64. The amendment striking out the House provision was for the reason that the provision was inapplicable to Hawaii for the reason that there are no political parties.

The amendment to section 73 in effect put the sale, leasing, and transfer of the public lands in Hawaii under the laws of Hawaii, with the exception of the restriction upon the power to lease for a longer term than five years, until action of Congress and the provision of the House bill as to validating sales and transfers after July 7, 1898, is made subject to the approval of the President. The further amendment in the same section, striking out the words "in good faith," was for the reason that they were no longer necessary after the amendment making the transfers subject to the approval of the President had been agreed upon.

The amendment to section 76 places the duties required of the commissioner of labor to be appointed upon the United States Commissioner of Labor. It was thought that he had the machinery and past experience to enable him to make such comprehensive reports as the section provides for, and that it was unnecessary to appoint a commissioner specially for that purpose. It was also thought best that the reports should be made to Congress instead of to the legislature of Hawaii, presupposing, of course, that all reports to Congress would be in the possession of the Hawaiian legislature.

The provision stricken out of section 80 was objected to by the Senate as the statistics called for in such detail concerning lands, leases, etc., were already implied in the duties of the United States Commissioner of Labor as prescribed in section 76, and the penal provisions at the end of the section for mere failure to make reports in such detail were deemed harsh.

The amendment is section 82, striking out the words "not less than" was thought necessary as it was deemed sufficient to have two associate justices with the chief justice.

The amendments to section 86 in effect separate the Territorial from the Federal jurisdiction in courts of the Territory of Hawaii, as provided in the House bill, the provision for appeals from the supreme court of Hawaii to the ninth judicial circuit being stricken out and the juridiction of United States district and circuit courts is conferred upon the Federal court established.

The first amendment in section 92 provides salaries for the judges of the circuit courts at $3,000 each, and provides, further, that the salaries of the chief justice and associate justices of the supreme court and of the judges of the circuit courts shall be paid by the United States. This is made necessary by the change in the bill which provides that the appointments shall be made by the President of the United States and not by the governor of the Territory. Also, the marshal's pay is raised from $2,000 to $2,500, and the United States district attorney's from $2,000 to $3,000.

In section 97, line 19, the House provision was deemed no longer necessary.

The amendment in section 98, line 9, stricken out, was one postponing for a year the application of the navigation laws of the United States to the islands, restricting the coastwise trade to American vessels.

The provision in section 101 requiring the departure of Chinese laborers, 10 per cent per annum, was stricken out, as it was objected to by the Senate.

Section 104: The amendment to this section substituting forty-five days for sixty days as the time when the act should go into operation, was deemed a safe period.

W. S. KNOX,
R. R. HITT,
JOHN A. MOON,
Managers on the part of the House.

Mr. KNOX. Mr. Speaker, I move that the conference report be agreed to. I desire to state what the substantial differences are between this bill and the bill as it left the House, because they may not have been caught from the reading of the statement. The first substantial difference is the striking out of the provision for the payment of a poll tax as a requisite for voting. As the bill left the House it provided for the payment of a poll tax of $1, payable in the month of March previous to election. The result of the first conference was that the Senate provision was put in for the payment of a personal tax of $5. After that provision was inserted providing for the payment of the personal tax of $5, the bill came back to a second conference and, as a result, all provisions for the payment of a tax as a qualification for voting is stricken out. There is now no qualification but citizenship, age of 21 years, residence of one year, and the ability to read, write, and speak the English or Hawaiian language.

The next amendment that is of any consequence was the land provision, which was contained in paragraph 73 of the House bill. The House bill provided that hereafter all transfers of land in Hawaii, by lease or otherwise, should be reported to our Secretary of the Interior and have the approval of the Land Office, and that that must take place within a period of sixty days. A letter from the Department said that it would be utterly impossible to attend to such matters here within sixty days or six months even, and the effect would be virtually to tie up all land transfers in Hawaii. So as the bill stands now, all transfers of land in Hawaii are in accordance with Hawaiian law and the Hawaiian practice up to the present time, except leases of more than five years, and they can not be made till Congress shall make further provision.

As to the sales that took place between July 7 and September 28, their legality is made to depend upon the approval of the President. That is a provision which was contained in the Senate bill.

Mr. WILLIAMS of Mississippi. The gentleman says the conferees have stricken out the provision as to the poll tax. Does that mean no poll tax, or does it mean the old Hawaiian law is in force?

Mr. KNOX. There is no provision for a poll tax whatever.

Mr. WILLIAMS of Mississippi. The Hawaiian law in regard to that matter is not in force at all.

Mr. KNOX. Not at all; there is no requisite for the payment of a poll tax.

Mr. WILLIAMS of Mississippi. I asked the question for this reason: I thought if the Hawaiian poll tax was left as a tax, it might be in force and be overlooked if this provision was stricken out.

Mr. KNOX. Oh, no; in addition to that it was discovered that there was a Hawaiian law for imprisonment for debt, and an additional provision was put in so that there should be no provision of that sort or for the payment of a poll tax.

Mr. BALL. In the confusion I failed to catch the provision in regard to the labor contracts. Will the gentleman explain about them?

Mr. KNOX. That was section 10, and it was my fault that I did not mention it before, although the change is very slight. As the bill left the House all rights in law and equity were reserved. In conference we struck out the words "obligations and contracts," through fear that by keeping them we might preserve some of those labor contracts, which the bill entirely eradicates.

Mr. BALL. And there is nothing in the bill recognizing them?

Mr. KNOX. No; the labor contracts are not recognized in any way.

Mr. McRAE. I want to ask if the report has been printed in a shape so that we can get at it to know what it is?

Mr. KNOX. The agreement of the conferees was printed in the RECORD of the 16th of this month.

Mr. McRAE. Is the bill printed as agreed upon by the conferees?

Mr. KNOX. The bill substantially as agreed upon is in print. It is Senate bill No. 222, the print of April 18. The changes from what the bill was when it left the House are so slight and so few that I thought I could state them intelligently.

Mr. McRAE. Is the paragraph in regard to alien contract labor in the bill?

Mr. KNOX. Yes; the provision the gentleman offered in the House is in the bill.

Mr. TERRY. I notice that by the conference report the words "in good faith" are stricken out.

Mr. KNOX. Yes.

Mr. TERRY. I should like the gentleman to read the context of the bill in which those words appeared.

Mr. KNOX. That will be found in section 73:

That, subject to the approval of the President, all sales, grants, leases, and other dispositions of the public domain, and agreements concerning the same, and all franchises granted in good faith by the Hawaiian government in conformity with the laws of Hawaii between the 7th day of July, 1898, and the 28th day of September are ratified and confirmed.

It was the intention of both bills to ratify and confirm contracts for the sale and actual transfer of lands by the Hawaiian government between the date of the annexation resolution, July 7, and September 28. Those transfers were made when the parties supposed they had a right to make them, but the Attorney-General subsequently made a ruling that they could not lawfully be made. The intention was to validate them. The words "in good faith" were stricken out in conference and a provision substituted to the effect that these transfers must receive the approval of the President. We thus designated an officer who should decide upon the propriety and validity of those transfers.

Mr. TERRY. The only objection I have to that is this: That in the multiplicity of business on the hands of the President and in view of the hurried way in which these things would have to be transacted by him, he could not always inquire into the facts. The words "in good faith," which appeared in the bill as it went from the House, would make the validity of those transfers a judicial question that the courts might inquire into more fully than could the President of the United States. I think it unfortunate that the words "in good faith" have been stricken out.

Mr. KNOX. We thought it better to put this matter in the hands of the President to decide upon the validity of such transfers, rather than leave in the bill language which perhaps might require the courts to pass upon the question.

Mr. TERRY. My point is that it would be safer, where a question of good faith is involved, to vest the power of determination in a tribunal that could inquire into the facts, as the President can not very well do.

Mr. KNOX. We desired to avoid litigation as much as possible. The United States holds these lands upon a naked trust for the Hawaiian people. We have no interest in the proceeds of the sales of those lands.

Mr. TERRY. I know it was very important to preserve the rights which parties supposed they were acquiring when those grants were made after the country belonged to the United States.

Mr. KNOX. Unquestionably.

Another important provision was that in regard to the application of the coasting laws of the United States. Under the bill as it left the House it was provided that a year should elapse before those laws should go into operation with respect to Hawaii. It was insisted on the part of the Senate that those laws should go into operation at once; and on that point the House conferees yielded. It was shown that there had been preparation made over the entire country to engage in this coasting trade; and hence that provision was stricken out.

Another important matter in connection with the conference was the agreement of the Senate to the establishment of a legislative court—that is, not a constitutional court, but a court clothed with all the jurisdiction of a district and circuit court—and the taking out of the Senate bill the provision which allowed an appeal from the supreme court of Hawaii to the Ninth judicial district. By this action we accomplish the purpose of entirely separating the Federal from the Territorial jurisdiction, and we provide that Territorial litigation shall end in Hawaii.

Another material provision was an amendment offered by the distinguished gentleman from Nevada [Mr. NEWLANDS], which was not agreed to in conference. It was thought that the provision for the ascertainment of statistics in regard to labor in the Hawaiian Islands was ample in the bill as it stood and that therefore the amendment was unnecessary.

The other amendment which was stricken out was the amendment of the gentleman from Missouri requiring the deportation of the Japanese and Chinese laborers from the island of Hawaii at the rate, I think, of 10 per cent a year. The Senate insisted upon that provision being stricken out; and the reasons in favor of doing so were very forcible, from the fact that the moment these labor contracts are at an end a Japanese subject is as free a citizen of Hawaii as any other person, and we could not deport him without running in direct opposition to our treaty provisions with Japan.

Mr. NEWLANDS. The gentleman has referred to the amendments which I offered regarding labor and regarding agricultural statistics. I understand that the conferees on the part of the House have agreed that the amendment relating to agricultural statistics should be stricken out.

Mr. KNOX. The provision for the surveyor——

Mr. NEWLANDS (continuing). And stricken out, first, because you claim the provision for agricultural statistics was covered by that provision of the statute relating to the Commissioner of Labor?

Mr. KNOX. Precisely.

Mr. NEWLANDS. And also because the Senate objected to the penalties imposed on those who refused to make the statements required as to the number of laborers employed, the wages paid, etc. Now, did it occur to the conferees that they could leave that section as to agricultural statistics in the bill and strike out the penalty if it was offensive?

Mr. KNOX. It did; and I assure the gentleman that we stood by his amendment as long as there was any use to do it.

Mr. NEWLANDS. And do I understand that the gentleman abandoned it finally upon the assumption that those statistics were covered by the preceding section, relating to industrial statistics?

Mr. KNOX. That was part of it, perhaps, but the main reason was that we were finally obliged to yield in order to secure an agreement on the conference report.

Mr. NEWLANDS. Was objection made to the provision in relation to agricultural statistics?

Mr. KNOX. There was very strenuous objection to the multiplication of offices, and it was thought—and I submit that to the gentleman himself—it was thought that the very broad provision as to the statistics and all that the Commissioner of Labor is to ascertain would cover all that the gentleman desires to get at. It was also thought, if the gentleman will allow me, that the question of merely obtaining this information, which will be obtained and reported to Congress on the other provisions, was not one upon which we could afford to say that there should be no agreement upon this bill.

Mr. NEWLANDS. Will the gentleman refer me to any portion of the section relating to the Commissioner of Labor which authorizes him to collect statistics as to the area of landholdings and the character of the landholdings and the character of the cultivation?

Mr. KNOX. Well, I will call the gentleman's attention to this:

It shall be the duty of the United States Commissioner of Labor to collect, assort, arrange, and present in an annual report statistical details relating to all departments of labor in the Territory of Hawaii, especially in relation to the commercial, industrial, social, educational, and sanitary conditions of the laboring classes——

Mr. NEWLANDS. Does the gentleman claim that that language compels the Commissioner of Labor to make statements as to the area of agricultural holdings and the character of the cultivation?

Mr. KNOX. I did not quite finish—

and to all such other subjects as Congress may by law direct.

Mr. NEWLANDS. Hereafter.

Mr. KNOX. Certainly. We are not legislating now for all the future. I do not pretend that we have a bill here that no person can criticise. We should have been something more than human if we had that.

Mr. NEWLANDS. Does the gentleman recollect that the House, by its judgment, determined that it wished statistics as to the area of agricultural holdings and the character of cultivation?

Mr. KNOX. I do.

Mr. NEWLANDS. And that that part of the question relating to the collection of statistics has been left out of this bill and intrusted, as the gentleman says, to future bills?

Mr. KNOX. I do admit that, and I say to the gentleman that we tried in good faith to carry out the order of the House, but were finally compelled to yield.

Mr. NEWLANDS. I trust that the House, then, will vote down this report and give the conferees some idea of the consistency and fixedness of will of this House.

Mr. KNOX. Now, Mr. Speaker, I hope that the House will not vote down this report, providing, as it does, for the government of this Territory, which the gentleman's annexation resolution gave to this country and which has called upon us to provide a government. I hope the House will not vote down such a report as

this and such a great bill as this simply because it does not comport with the particular ideas of the gentleman from Nevada about land statistics.

Mr. NEWLANDS. I object to it because it does not comport with the view of this House.

Mr. KNOX. Very well; I yielded to the gentleman's amendment. I accepted it. No great consideration was given to it. I can give to the gentleman statistics as to every acre of land to-day in Hawaii. They are all accounted for, all the holdings, and they are in printed report No. 305. In Hawaii, in the land office, the information can be obtained as to the landholdings in the Territory of Hawaii.

Mr. NEWLANDS. Yes; the gentleman informs me that somewhere else this information can be obtained. What we want is a commissioner whose duty it shall be to obtain this information for the Congress of the United States.

Mr. KNOX. Very likely, but you can not expect to have this information placed upon your table at once. It may be that it would be well to have all that; I do not think it is of any very great consequence: but while all consideration should be given, of course, to a gentleman who has given so much time to Hawaii as the gentleman from Nevada has done, I do hope that no one will seek to vote down this final report. [Applause.]

Now, the net result of all this is that the Senate has agreed to our amendment, which was a substitution of the House bill, with these amendments which I have stated.

Mr. Speaker, how much time have I remaining in the hour?

The SPEAKER. The gentleman has forty minutes remaining.

Mr. KNOX. I will yield five minutes to the gentleman from Indiana [Mr. ROBINSON], but I do not wish to yield the floor.

The SPEAKER. The gentleman from Indiana [Mr. ROBINSON] is recognized for five minutes.

Mr. ROBINSON of Indiana. Mr. Speaker, I have carefully watched the course of this Hawaiian bill through its various trials and tribulations, its amendments and changes before the committee, and its changes in the House, in the Senate, and in conference. The Committee on Territories have devoted to it a great deal of study, and have spent long days, covering weeks of time, in a careful consideration of it. It was not easy to draft a measure suited to Hawaii or to the conditions then prevailing.

I have paid particular attention to the labor feature of the bill, and upon a former occasion I offered some observations to the House upon that subject. The labors of the committee, in conjunction with the proceedings of the House and Senate and the results of the conference, have brought into the bill what are to my mind the best provisions that could have been enacted upon the subject of labor. It was extremely difficult to get information on and understand the real conditions.

I believe that the result of the action of the conference committee on the subject of the appointment of judges of the courts by the President is highly satisfactory, and that it impresses upon the bill an American feature. The rights of franchise, as given by the combined judgment of the House and Senate and as finally molded in conference, give full and free rights to the people.

I very much regret that the provision on the subject of deporting the Asiatics from Hawaii was not also agreed to in conference. Nearly one-half of the population of the Hawaiian Islands are Japanese and Chinese, and they will be a constant menace to this country as long as they remain there. The Chinese have for a long time been breaking across the border of Canada to this country, and many false and forged certificates have been discovered from time to time. I believe a law like the Chinese exclusion act must be passed to protect our labor from the Japanese. I very much doubt whether the provision in the bill providing that the Chinese shall not come from the Hawaiian Islands to this country will stand the test of the courts when the question comes up on the subject of the right, under the Constitution, to have a law of that kind passed restricting persons to a certain part of our country.

But the general features of the bill, as finally agreed to and now before us, seem to be as good as under the present circumstances can be hoped for, while the bill as at first introduced contained too many Hawaiian traces. I believe that the bill in its present form is a good American bill, outside of the special features to which attention has been called by the gentleman from Nevada, and on which I am not informed. I desire to commend the committee of conference, and the House committee having the bill in charge, and Congress, and as well to congratulate the people of Hawaii upon having what in my judgment is a good measure for their first government.

Mr. KNOX. Mr. Speaker, out of my time I yield ten minutes to the gentleman from Nevada.

The SPEAKER. The gentleman from Nevada is recognized for ten minutes.

Mr. NEWLANDS. Mr. Speaker, I concur in the commendation which the gentleman from Indiana [Mr. ROBINSON] has bestowed upon this bill in its general features. It has been considered thus far in a nonpartisan way by the members of this House. There is not a man on either side who does not want to secure the best government that is possible for Hawaii.

There is not a member on either side that does not want to secure for that island the benefits of republican institutions; but I fear that we have lost sight of the fact that the maintenance of republican institutions in those islands will depend more upon economic conditions existing there than upon the form of government which we give them.

The form of government may conform to the highest theories of republican institutions, and yet, unless we have able, intelligent, courageous, and fearless men to discharge the official duties imposed upon them by this law, and unless we can have a constituency there, capable, courageous, determined to maintain their rights, free government may fail.

Now, what are the economic conditions which prevail there? First, a condition of land monopoly. The principal product of the islands is sugar. The exports of sugar amount to $20,000,000 annually, constituting substantially the entire export of the island, and the production of sugar is almost entirely in the hands of large corporations, whose land holdings aggregate in area from one thousand to five or six thousand acres.

By incorporating Hawaii in the United States we gave those islands the benefit of the enlarged markets of this country. We have added $10,000,000 to the annual value of their sugar product. The cost of sugar production there is $35 a ton.

The duty on sugar imported to this country is about $40 a ton. Thus the value of their products to them is doubled by free admission to our markets; so that they are receiving $80 a ton, and this extraordinary benefit given to the agricultural land there, by making these islands a part of the United States, is $10,000,000 of clear gain annually given to the landowners, and not a dollar is applied to the establishment there of a superior system of labor. And yet the very foundation stone of our protective system is that it protects and elevates labor.

Now, I make no reflection upon the capacity or honesty of the landowners of Hawaii. You can not expect a people who are the beneficiaries of an abuse to reform it. That statement applies to human nature universally, and the legislation must be inaugurated by this Congress which will reform it. Now, what was the purpose of these amendments which were introduced upon the floor of this House, debated by the House, and adopted after due deliberation? The purpose of the amendment was to select there from the people of Hawaii a labor commissioner who should report to the United States Commissioner of Labor here, giving all the statistical information relating to labor and relating to the industries there.

The conferees have changed all that. They have provided that instead of having a labor commissioner there, who would be selected by the people and who would be selected probably as a result of agitation of the labor question—and I think that agitation should be stimulated there, as well as here—instead of that they have determined that our United States Commissioner of Labor at Washington should discharge this duty.

Then what do you do with reference to landholding? We provided that the surveyor-general there should make an annual report to the United States Labor Department here and to the governor and legislature there covering the area of the various landholdings, the character of cultivation, the nativity of the laborers, and the wages paid. So that you see we aimed nothing at the vested interests there. Our legislation did not disturb existing conditions, but we simply planted the seed for action hereafter.

Now, what have the conferees done? They have left out the labor commissioner there and substituted the United States Labor Commissioner here, 7,000 miles away from the scene of inquiry and contemplated reform. They have stricken out entirely the section requiring annual reports as to the area of agricultural holdings, the character of the cultivation, the number of laborers employed on each holding, and the nativity of the laborers and their wages; and they have done so because it imposed a penalty of a hundred dollars upon the landowners for failure to respond to the demand of the surveyor-general for such reports.

A most reasonable penalty for a failure to furnish information necessary to future labor legislation is stricken out because it is alleged to be harsh and oppressive.

The landowner is to be protected from questions, whilst labor remains abject and servile. But assuming that they wanted to wipe out the penalty; assuming they did not wish to have the machinery of the law which would compel the enforcement of its mandates; would it not have been sufficient to strike out the penalty alone?

Instead of striking that out alone, they struck out also the portion of the same provision which compels the surveyor-general to make reports on the area of agricultural holdings, the character of cultivation, the nativity of the laborers, and the wages paid laborers. So far as I am concerned, I would have been content if they had united the duties of these two officers into one, provided that

in doing so they had imposed on the one officer the duties that this House by its solemn action imposed upon the two.

Now, we have this bill coming to us on the report of the conferees with some fifty or sixty amendments. I understand there is objection only to the amendment of section 76, covering the question of labor, and section 80, covering the question of land monopoly; and I understand that the only way that we can get at these amendments and insist upon the substance of the original sections is to reject the report, and then the matter will go back to the conferees, and they can easily shape these sections by consolidating the duties in one officer—a commissioner of labor, who can report annually both as to labor conditions and land monopoly.

The latter question is entirely eliminated from this bill, and yet the question of land monopoly in these islands of the Tropics is the most important question of the future. Heretofore the landowner has grown wealthy while labor has been degraded.

The aim of our legislation should be, whilst avoiding industrial disturbances, to provide gradually for a better system of labor; to promote small land holdings and to discourage the concentration of land ownership and the system of servile and degraded labor which it promotes. There are 120,000 people in those islands to-day, of whom 60,000 are Asiatics and about 40,000 Kanakas, 17,000 Portuguese, and 8,000 Americans and other whites.

The population of those islands will increase. Shall we so shape the land system as to promote the immigration of people who can become self-respecting citizens or shall we maintain a system which promotes peonage without rights in the soil?

We should so legislate that some of the increased profit of production, to which I have alluded, should go to self-respecting labor and not all go to land syndicates. We should encourage the immigration of the people from Porto Rico, which is the densest agricultural population in the civilized world, to the Hawaiian Islands. Seven-tenths of the population of Porto Rico are whites. The island is overcrowded.

The people are accustomed to the very pursuits which are common in Hawaii—the raising of sugar, tobacco, and coffee. We should see to it that gradually the standard of citizenship in the Hawaiian Islands is raised by discouraging the employment of Asiatics, by encouraging the employment of American citizens, either white or black; by the employment of the citizens of Porto Rico, the employment of Italians and Portuguese, encouraged by higher rates of labor than prevail, and who would gladly go to these islands. With such a system the maintenance of republican institutions in Hawaii is possible, but without reform in the system of land tenure you will have permanently a small, wealthy planter class and a large population of servile laborers, incapable of citizenship and a constant menace to free institutions. I hope that this important matter will go back to the conferees, and that they will be instructed to adhere to the spirit of the House's action as exhibited in the original bill.

The SPEAKER. The time of the gentleman from Nevada has expired.

Mr. KNOX. Mr. Speaker, I yield ten minutes to the gentleman from Washington [Mr. CUSHMAN].

Mr. CUSHMAN. Mr. Speaker, being a member of the Committee on Territories, which drafted this Hawaiian bill, I have no intention or inclination to criticise or belittle the labors of that committee. I believe the bill in its present form, as reported back to this House from the conference committee of the House and the Senate, is, generally speaking, an excellent one. I regret very deeply that some of the provisions which the House inserted in this bill have been stricken out in conference. I desire to call attention particularly to one of the provisions of the conference report, which appears in section 98 of the bill, wherein the conference committee struck out of the bill a part of the provision inserted by the House relating to the shipping laws.

In order to thoroughly understand this matter it is necessary that I should state in the first instance that the shipping laws of the United States provide that all shipping carried between American ports must be carried in American ships. A provision was sought to be placed in this bill extending unreservedly the shipping laws of the United States to Hawaii. That would mean, if adopted, that immediately upon the passage of such a provision all shipping between the United States and Hawaii must be carried by American ships.

Theoretically, that sounds very well, and nearly every one who has sought to place the provision in that form in the bill has defended it on theoretical grounds; but upon examination of this question before the House committee the fact was developed that there are not now enough ships available, especially on the Pacific coast, to carry the shipping between the United States and these islands if all the ships of any nationality now engaged in that trade were allowed to continue therein.

It was for that reason that the House committee inserted in this bill a provision that the shipping laws should not be extended to Hawaii for the period of one year; and during this period of one year Americans will have ample time and notice that they must provide American ships if they expect to continue in this trade. The reason for this provision, as I before stated, is that there are not now ships enough engaged in this trade to carry the tonnage between the Pacific coast and the Hawaiian Islands. That is the naked truth—the frozen fact! Members can theorize about it until we are tired, but, in the language of a distinguished and deceased(?) statesman, "It is a condition and not a theory that we are confronted with" on the Pacific coast.

American products are rotting on American soil and Hawaiian products are rotting on Hawaiian soil for lack of ships to carry them either way, and yet some gentlemen continue to rise and proclaim that there are plenty of ships, and they desire to strike out the one-year clause in order to encourage American shipping. I yield to no man on this floor the honor of being more anxious to encourage American shipping than I am, but, in God's name, is it necessary for the American Congress to destroy what we now have in order to give us something else, and especially to destroy what we now have before they are prepared to give us something else in its place? What are we of the Pacific Northwest to do if this conference provision is agreed to. We have built up a prosperous line of traffic between Puget Sound and Hawaii, now being carried in foreign ships. We expect to replace those foreign ships with American ships just as soon as money and men and a first-class shipyard can produce the vessels.

You can not build a ship in a day. It takes from a year to fifteen months to construct a ship. Now, if this law is passed in its proposed form, we can not continue to carry on that traffic in foreign ships, because that is against the law: and we can not carry it on in American ships, because we have had no time nor opportunity to build them. Now, when a man is ready to buy a new wagon, he does not burn up the old one until he gets the new one. I claim it is false in theory, and I know it is false in practice, to destroy by law the present commerce between the Pacific Northwest and Hawaii before you are prepared to give us something else in the place of what we now enjoy. The shipbuilders of our country expect to commence at once to build ships to carry on this trade, but it will take about a year to build these ships.

It is frequently asserted by those who oppose this one-year clause that if that clause is allowed to remain in the bill foreign ships will rush in and crowd American ships out of this traffic. Where will they come from? There is no provision in the law to-day that will prevent a foreign ship from engaging in this trade, and yet the fact stares us in the face to-day that there are not ships enough there to carry on the trade. Now, if the ships are not there under existing law, what makes any man think there will be a mighty rush of ships in the next year if the law is left just as it is now? They have not rushed in under that law in the past. What makes you think they will do in the future exactly what they have failed to do in the past?

As a slight piece of ex parte testimony, for the benefit of those gentlemen who are proclaiming aloud that there are plenty of ships to carry all the traffic, I might say that one of the distinguished Hawaiian gentlemen who appeared before our committee in relation to the Hawaiian bill said to me that it would in all probability be impossible for him to secure a stateroom from San Francisco to Hawaii on any of the steamers, and that he would probably have to pay an officer of the boat a hundred-dollar bonus for an officer's room on the voyage. And yet in the face of such facts as this the people who desire to monopolize this trade and be the beneficiaries of this legislation still continue to proclaim that "there are plenty of ships."

Mr. COOPER of Wisconsin. Will the gentleman allow me a question?

Mr. CUSHMAN. Certainly I will yield to the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. I understood the gentleman to say a few moments ago that crops were rotting on the docks or shores of the Pacific coast and in the island of Hawaii. What are those crops?

Mr. CUSHMAN. Well, in my State we produce almost everything—lumber, coal, fruit, and grain, and a multiplicity of other products.

Mr. COOPER of Wisconsin. What disease is it that is rotting your coal? [Laughter.]

Mr. CUSHMAN. Perhaps that is a very fine point. I guess it is. It is so fine that it is not visible to the naked eye. When the products of the earth which are necessary for man's use, which need to be transported to a proper market, lie idle and useless because they can not be transported to a market, that is a condition of industrial paralysis and commercial rottenness, whether the products actually stink or not. [Laughter.]

As a matter of fact, the ships are not there to carry the products and the traffic back and forth. Every available craft on the Pacific coast, almost, has gone into the Alaskan trade by reason of the unprecedented rush to Cape Nome. Why? Because the

Alaskan run pays a great deal more than the Hawaiian run. Therefore the ships have been withdrawn, and they can not be replaced in a day, a week, nor a month. I hope that the members of this House will refuse to agree to the conference report, and when that is disagreed to a motion will be in order that this bill may again be sent to the conference committee with instructions to the House members to insist upon the House provision in the bill.

Some few men, who are trying to reap a rich harvest in the Hawaiian trade to the detriment and exclusion of others, have said that we were selfish because we wanted this provision in the bill.

Mr. Speaker, I say to you that had it not been for the hardy and heroic race who blazed a pathway through the primeval wilderness, and populated and built up the mighty and myriad industries of the West (that in the march of events has linked us to the East), that the American flag would not to-day be floating over Hawaii. And yet, when our people are actuated by an honorable ambition to reap a small portion of the benefits that their industry and push have helped to bring into being, some two-by-four statesman arises and proclaims that we are selfish. I deny it. The selfishness is on the other side of this proposition. [Applause.]

Mr. KNOX. Mr. Speaker, I wish to say one word in answer to the gentleman who has just taken his seat. I appreciate very fully his feeling in regard to this matter. As a member of the committee, he was given the privilege of reporting this amendment providing that the coasting laws of the United States extended to Hawaii should not take effect until the expiration of one year. Now, what is the trouble with the bill as agreed upon? It does perhaps affect somewhat injuriously his people in Seattle, because they have not got their ships ready; but the people in the rest of the United States have been at work. Knowing for almost two years that the coasting laws of the United States would be extended so as to operate between this country and Hawaii, they have been preparing for it; and the most magnificent steel ships have been built in Philadelphia and have gone to the Pacific coast, and many have been purchased. Not only is there no lack of ships on the Pacific coast, but there are so many now that they go to Hawaii in ballast.

Mr. GROSVENOR. Mr. Speaker, the gentleman will allow me to say that I have a statement from the representative of one of the largest shipping lines that they are short of business, and that the retention of this provision in the bill would let into our coasting trade a vast volume of foreign ships, to the absolute destruction of American-owned ships on that coast.

Mr. KNOX. Undoubtedly, Mr. Speaker, that is true. So far as Seattle is concerned, I believe they have there only one American ship. They have one with reference to which the House a few days ago passed by unanimous consent a bill granting an American register.

Mr. JONES of Washington. Is it not a fact that about 50 per cent of the traffic between the Pacific coast and Hawaii is carried on at this time in foreign-built vessels?

Mr. KNOX. That has been the fact.

Mr. JONES of Washington. Is it not so now?

Mr. KNOX. Oh, no; they are all prepared for this trade now. Some of our friends from California will tell the gentleman the condition of things in that regard.

Mr. JONES of Washington. One more question. Does the gentleman know of any ships built now that expect to engage in the trade from Puget Sound to Hawaii?

Mr. KNOX. I do not. In that particular locality you have been busy carrying on your trade with Alaska. You have had more than you could do.

Mr. JONES of Washington. Not at all.

Mr. KNOX. These other people in the rest of the country are prepared for engaging in the trade with Hawaii. It is impossible, in preparing a bill of this kind, to obviate the fact that some people on the coast, at some towns, some cities, some localities, will for a short time be injuriously affected. But their remedy is to buy or build American ships, as the people of other parts of the United States have done.

Mr. JONES of Washington. One further question. It was stated by the gentleman from Ohio that there are a great many foreign-built ships that will go into this trade if this provision be adopted. Now, what would induce vessels that are not in this trade now to go into it for a year or two?

Mr. KNOX. Oh, there are tramp steamers that would gladly enter into this business.

Mr. JONES of Washington. They will not take the regular trade?

Mr. KNOX. Mr. Speaker, how much time have I left?

The SPEAKER. Sixteen minutes.

Many MEMBERS. Vote! Vote!

Mr. KNOX. I move the previous question on agreeing to the report.

The previous question was ordered.

Mr. NEWLANDS. Mr. Speaker, would it be in order now to move concurrence in all these amendments except as to those sections that have been objected to?

The SPEAKER. The report must first be adopted or rejected as a whole.

The question being taken on agreeing to the report,

The SPEAKER said: The ayes appear to have it.

Mr. NEWLANDS. I call for the yeas and nays.

The yeas and nays were ordered, there being—ayes 27, noes 96.

Mr. PAYNE. I move that the House now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Cheboygan Harbor, Michigan—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and law in the claims of the sloop *Betsey*, Benjamin Rhodes, master, against the United States—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES OF PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. JENKINS, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 5280) to continue the publication of the Supplement of the Revised Statutes, reported the same with amendment, accompanied by a report (No. 1154); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MARSH, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 10726) for the appointment of assistant surgeons of volunteers, reported the same with amendment, accompanied by a report (No. 1155); which said bill and report were referred to the House Calendar.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the joint resolution of the House (H. J. Res. 172) to prevent the lease of certain Indian lands in Oklahoma Territory for a longer period than one year, reported the same without amendment, accompanied by a report (No. 1157); which said joint resolution and report were referred to the House Calendar.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the joint resolution of the House (H. J. Res. 232) concerning certain Chippewa Indian reservations in Minnesota, reported the same with amendment, accompanied by a report (No. 1158); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. DE GRAFFENREID, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9237) granting an increase of pension to Robert J. Carr, a Mexican war veteran, reported the same with amendment, accompanied by a report (No. 1156); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of the bill (H. R. 9204) to remove the charge of desertion from the record of Frank Gaffney, late of the gunboat *Crusader*, in the war of the rebellion; and the same was referred to the Committee on Naval Affairs.

PUBLIC BILLS, RESOLUTIONS AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HULL (by request): A bill (H. R. 11017) to increase the efficiency of the military establishment of the United States—to the Committee on Military Affairs.

By Mr. LATIMER: A bill (H. R. 11018) to incorporate the Washington Cooling Company—to the Committee on the District of Columbia.

By Mr. LESTER (by request): A bill (H. R. 11019) to increase the rank and pay of the Surgeon-General of the Army—to the Committee on Military Affairs.

By Mr. FOSTER (by request): A bill (H. R. 11020) to establish a pantheon for illustrious women at Washington, D. C., and to appoint commissioners therefor—to the Committee on Public Buildings and Grounds.

By Mr. LACEY: A bill (H. R. 11021) to establish and administer national parks, and for other purposes—to the Committee on the Public Lands.

By Mr. RIDGELY: A bill (H. R. 11022) to construct a road to the national cemetery at Baxter Springs, Kans.—to the Committee on Military Affairs.

By Mr. TONGUE: A bill (H. R. 11072) for the relief of the Kathlamet band of the Chinook Indians, of the State of Oregon—to the Committee on Indian Affairs.

By Mr. FITZGERALD of Massachusetts: A bill (H. R. 11073) concerning the manufacture and sale of gold and silver articles—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 11075) to limit the hours that letter carriers in cities shall be employed per day—to the Committee on the Post-Office and Post-Roads.

By Mr. HENRY of Mississippi: A memorial of the Mississippi legislature, requesting Congress to make further and additional appropriation to improve the navigation of the Homochitto River in the State of Mississippi—to the Committee on Rivers and Harbors.

By Mr. McLAIN: A memorial of the Mississippi legislature with reference to Ship Island Harbor and also the Gulf and Ship Island Railroad Company—to the Committee on Rivers and Harbors.

By Mr. WILLIAMS of Mississippi: A memorial of Mississippi legislature, requesting Congress to pass H. R. bill 8988—to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BROUSSARD: A bill (H. R. 11023) for the relief of L. P. Labarthe, administrator—to the Committee on War Claims.

Also, a bill (H. R. 11024) for the relief of Marian Simoneaux, administratrix—to the Committee on War Claims.

Also, a bill (H. R. 11025) for the relief of the heirs of Henry A. Shadel, deceased, of Iberia Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11026) for the relief of the estate of George W. Chapman, of St. Mary Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11027) for the relief of the estate of Pierre Jolivet, deceased, of St. Mary Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11028) for the relief of Charlotte Foutenette, of St. Mary Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11029) for the relief of the estate of John P. Walter, late of Lafourche Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11030) for the relief of the estate of Charles F. Gaule, deceased, late of Lafourche Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11031) for the relief of the estate of Valerie Breaux, deceased, late of Lafayette Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11032) for the relief of the estate of Pierre Z. Doucet, deceased, late of Lafayette Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11033) for the relief of Felicite Monette, of St. Mary Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11034) for the relief of E. H. Flory, Abbeville, La.—to the Committee on War Claims.

Also, a bill (H. R. 11035) for the relief of Leolede Le Blance, of Iberville Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11036) for the relief of Kate Gibbons, Franklin, La.—to the Committee on War Claims.

Also, a bill (H. R. 11037) for the relief of the estate of Louis Ursin, deceased, late of St. Mary Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11038) for the relief of Prospere Lopez, of St. Martin Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11039) for the relief of T. B. Ulger Bourgue, of St. Martin Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11040) for the relief of Jules J. Broudreaux, of Vermilion Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11041) for relief of the estate of Dornville Fabre, deceased, late of Lafayette Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11042) for the relief of the estate of Valsin Vincent, deceased, late of Iberia Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11043) for the relief of J. C. Mathiers, Ascension Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11044) for the relief of Mrs. Frank Deslonds, of Iberville Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11045) for the relief of Mrs. Victor Fabre, Lafayette Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11046) for the relief of the estate of Ozeme Viator, deceased, late of Vermilion Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11047) for the relief of Mrs. Celina Landry, Vermilion Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11048) for the relief of estate of François Feray, deceased, late of Vermilion Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11049) for the relief of the estate of Joseph Ursin Broussard, deceased, late of Vermilion Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11050) for the relief of the estate of Jean Perre Landry, deceased, late of Iberia Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11051) for the relief of Mary H. Anderson, widow of Hiram Anderson, of St. Mary Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11052) for the relief of Mrs. Sidonie de la Houssaye, of Franklin, St. Mary Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11053) for the relief of the estate of Francis E. Harding—to the Committee on War Claims.

Also, a bill (H. R. 11054) for the relief of Lessin Guidry, of Lafayette Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11055) for the relief of the estate of Louis C. De Blanc, deceased, late of Iberia Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11056) for the relief of the estate of J. Aucoin, deceased, late of Assumption Parish, La.—to the Committee on War Claims.

By Mr. BRENNER: A bill (H. R. 11057) granting an increase of pension to Leonhart Miller, Company G, Twenty-third Kentucky Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. CUMMINGS: A bill (H. R. 11058) for the relief of Ida J. Peixotto—to the Committee on Pensions.

By Mr. JONES of Washington: A bill (H. R. 11059) to provide an American register for the ships *Star of Bengal* and *Star of Italy*—to the Committee on the Merchant Marine and Fisheries.

By Mr. KAHN: A bill (H. R. 11060) for the relief of the widow and minor children of John W. Geering, of Vallejo, Cal.—to the Committee on Claims.

By Mr. LAWRENCE: A bill (H. R. 11061) granting a pension to Robert E. Clary—to the Committee on Invalid Pensions.

By Mr. LAMB: A bill (H. R. 11062) for the relief of the trustees of Westover Church, Charles City County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 11063) for the relief of the trustees of Liberty Baptist Church, New Kent County, Va.—to the Committee on War Claims.

By Mr. ROBERTS: A bill (H. R. 11064) granting a pension to Mrs. C. M. Merritt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11065) granting a pension to Etta A. Humphrey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11066) granting a pension to Mary F. Aborn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11067) for the relief of John Crosby—to the Committee on Military Affairs.

By Mr. SHACKLEFORD: A bill (H. R. 11068) for the relief of Benjamin F. Massie—to the Committee on War Claims.

By Mr. HENRY C. SMITH: A bill (H. R. 11069) granting a pension to Sophia Mattoon—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 11070) for the relief of the heir of Hugh Worthington—to the Committee on War Claims.

By Mr. TAWNEY: A bill (H. R. 11071) granting an increase of pension to Amyntas Briggs—to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 11074) to provide for the refunding of certain moneys illegally assessed and collected in the district of Utah—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of churches of Connellsville, Pa.,

asking for the passage of the anti-canteen bill and prohibiting the sale of liquors on premises used for military purposes—to the Committee on Military Affairs.

By Mr. ADAMS: Petition of the Trades League of Philadelphia, Pa., relating to railway mail pay—to the Committee on the Post-Office and Post Roads.

By Mr. BARBER: Petition of the Young Woman's Christian Temperance Union of Stroudsburg, and Woman's Christian Temperance Union of East Stroudsburg, Pa., to prohibit the selling of liquors in any post exchange, transport, or premises used for military purposes—to the Committee on Military Affairs.

By Mr. BENTON: Petition of General Jo Bailey Post, No. 26, of Nevada, Mo., Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BOWERSOCK: Petition of Post No. 282, of Edwardsville, Kans., Grand Army of the Republic, in favor of a bill locating a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, resolutions of the American Philosophical Society, of Philadelphia, Pa., urging the establishment of a national standards bureau—to the Committee on Coinage, Weights, and Measures.

By Mr. BOUTELL of Illinois: Resolutions of General George A. Custer Post, No. 40, Department of Illinois, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BOUTELLE of Maine: Petition of L. E. Richardson Post, No. 75, and Asbury Caldwell Post, No. 51, Department of Maine, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of James H. Donnelly and other druggists of Bangor, Me., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. BUTLER: Petition of E. A. Pugh and others, of Oxford, Pa., urging the passage of the Grout bill to increase the tax on oleomargarine, etc.—to the Committee on Agriculture.

By Mr. CUMMINGS: Papers to accompany House bill No. 10873, for the relief of Ida J. Peixotto—to the Committee on Invalid Pensions.

By Mr. DALZELL: Petition of General J. Bowman Sweitzer Post, No. 480, Department of Pennsylvania, Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. DE VRIES: Petition of organizations, presented by the California Club, of San Francisco, Cal., representing a membership of 22,934; also petitions of Sacramento Chamber of Commerce; Young Woman's Christian Association of Topeka, Kans.; Sorosis Society of San Francisco; Stockton Grange, No. 70; New York State Federation of Women's Clubs, of 30,000 members; Michigan State Federation of Women's Clubs, of 12,000 members; Native Daughters of California; Society of California Pioneers, and Pennsylvania State Federation of Women's Clubs, to accompany House bill No. 11000, urging the purchase of the Calaveras big trees of California by the Government and to set aside the grove as a national park—to the Committee on the Public Lands.

By Mr. FITZGERALD of Massachusetts: Petition of National League Fourth-Class Postmasters, W. H. Thomas, chairman, in relation to commissions on stamp cancellations, etc.—to the Committee on the Post-Office and Post-Roads.

Also, petition of Hon. A. S. CLAY and Hon. L. F. LIVINGSTON, indorsing the work of C. P. Goodyear on the outer bar of Brunswick, Ga., and urging such legislation as will enable him to continue the work—to the Committee on Rivers and Harbors.

Also, resolution of the Commercial Club of Omaha, Nebr., in favor of the reclamation of the arid lands of the United States—to the Committee on the Public Lands.

By Mr. FOSTER: Petitions of General George A. Custer Post, No. 40, and Domenick Weller Post, No. 701, of Chicago, Ill., Grand Army of the Republic, favoring the passage of a bill to establish a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. GASTON: Petitions of George K. Rice and others, of Crawford County, and H. D. Bertram and others, of Teepleville and vicinity, Pennsylvania, in favor of the Grout oleomargarine bill—to the Committee on Agriculture.

Also, resolution of the Commercial Club of Omaha, Nebr., with reference to arid and public lands—to the Committee on Irrigation of Arid Lands.

By Mr. HAUGEN: Petition of Ellison Orr and others, of the State of Iowa, in relation to fishing for clams by dredging in the Mississippi River and its tributaries—to the Committee on the Merchant Marine and Fisheries.

By Mr. HOFFECKER: Resolution of Pomona Grange, No. 1, Patrons of Husbandry, of New Castle County, Del., for State control of imitation dairy products as provided in House bill No. 3717—to the Committee on Agriculture.

Also, petitions of the Woman's Christian Temperance Union of Sussex County, Del., urging the passage of House bill prohibiting the sale of liquor in Army canteens, etc.—to the Committee on Military Affairs.

By Mr. HOPKINS: Petitions of C. H. Watt, G. W. Hunt, R. W. Griffith, Mrs. Lydia A. Edwards, Alma J. Morgan, May Morris, and others, of Dundee, Ill., urging the passage of House bill No. 5457, prohibiting the sale of liquor in Army canteens—to the Committee on Military Affairs.

By Mr. HULL: Petition of the Columbia Historical Society, for the enactment of a law prohibiting the use of the national flag for advertising purposes—to the Committee on the Judiciary.

By Mr. JACK: Petitions of the Presbyterian Church and Woman's Christian Temperance Union, of Elders Ridge, Pa.; United Presbyterian Church of Worthington, and John A. Hunter Post, of Leechburg, Pa., for the passage of a bill to forbid liquor selling in canteens and in the Army, Navy, and Soldiers' Homes—to the Committee on Military Affairs.

By Mr. JONES of Washington: Petitions of H. A. Miles Post, No. 45; General Grover Post, No. 51; R. G. Carlile, and H. C. Thompson, of the State of Washington, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, resolution of Pacific Post, No. 48, Grand Army of the Republic, Department of Washington and Alaska, favoring Senate bill No. 238, in reference to the civil service and appointments, as reported with an amendment—to the Committee on Reform in the Civil Service.

Also, petition of committee of the Seattle Chamber of Commerce, urging the passage of the Alaska civil code bill—to the Committee on the Territories.

By Mr. KNOX: Petition of Hon. Jeremiah Crowley, mayor of Lowell, Mass., and other citizens, protesting against the opening of the Colville Indian Reservation—to the Committee on Indian Affairs.

By Mr. LESTER (by request): Resolutions of the Medical Association of Georgia, fiftieth annual session, at Macon, Ga., favoring the passage of a bill granting the Surgeon-General of the Army the rank, pay, and allowance of a major-general—to the Committee on Military Affairs.

By Mr. LITTLEFIELD: Petition of the Young People's Christian Union of the Universalist Church of North Joy, Me., urging the passage of House bill prohibiting the sale of liquor in Army canteens, Soldiers' Homes, reservations used by the Government, or in our new possessions—to the Committee on Military Affairs.

By Mr. LONG: Petition of the Woman's Christian Temperance Union of Hebron, Kans., urging the enactment of the Bowersock anti-canteen bill—to the Committee on Military Affairs.

By Mr. MAHON: Petition of citizens of Huntingdon County, Pa., urging the enactment of a law forbidding the sale of intoxicating liquors in our new possessions—to the Committee on the Territories.

By Mr. MANN: Resolutions of L. H. Drury Post, No. 467, of Chicago, Ill., Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. NEEDHAM: Petition of McPherson Post, No. 51, of Hanford, Cal., Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. OLMSTED: Petition of Keystone League of the Christian Endeavor Society of the United Evangelical Church of Myerstown, Pa., for the passage of a bill to forbid liquor selling in canteens and in the Army, Navy, Soldiers' Homes, etc.—to the Committee on Military Affairs.

By Mr. SHOWALTER: Petition of the Methodist Episcopal Church of Sharon, Pa., for the passage of a bill to forbid the sale of liquors in canteens—to the Committee on Military Affairs.

By Mr. HENRY C. SMITH: Resolutions of the Farmers' Club of Deerfield and Summerfield, Mich., to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

By Mr. SULZER: Petition of the drug-trade section of the New York Board of Trade and Transportation, for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. TAYLER of Ohio: Petitions of M. V. B. King and other druggists of Canfield, Ohio, and Gairing Brothers and other citizens of Youngstown, Ohio, for the repeal of the stamp tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. WILSON of Idaho: Petitions of E. E. Gill and others, of Peck; C. T. Waller and others, of Lewiston, and citizens of Nez Perce County, Idaho, for the passage of a free-homestead bill—to the Committee on the Public Lands.